

**IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28051 of 2018**

Arising Out of PS.Case No. -427 Year- 2017 Thana -
HAJIPUR District- VAISHALI(HAJIPUR)

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Dharmendra Rai @ Dharma S/o Late Ramadhar Rai, R/o
Vill.- Panhara Mohalla, Choudhary Mubarak Gali, P.S.-
Hajipur Town, District- Vaishali.

..... Petitioner/s
Versus
The State of Bihar

..... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh
For the Opposite Party/s : Mr. Sri Pranav Kumar

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

3 20-06-2018 Heard the counsel for the petitioner, informant and
the State.

The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 427 of 2017 dated 24.06.2017 instituted
for the offence under Section 366(A), 34 of the Indian Penal
Code.

The prayer for bail of the petitioner was earlier
rejected by this Court vide order dated 06.12.2017 passed in
Cr. Misc. No. 57019 of 2017; which order has been annexed
as Annexure-I to the petition.

The case of the informant is that on 21.06.2017, on
the point of gun, the daughter of the informant was abducted
by the petitioner.



The case regarding the same was registered on 23.06.2017. The daughter of the informant was recovered on 24.06.2017.

Though, in her 164 Cr.P.C statement, the daughter of the informant/victim has alleged that she was abducted/kidnapped by the petitioner but her statement, it has been argued, does not inspire confidence. No reason has been assigned for abducting the daughter of the informant.

The perusal of the F.I.R further makes the case doubtful. The informant has alleged that the petitioner being a neighbour had, in the past, made attempts to take away the daughter of the informant but always failed in such attempts.

If this were true, the matter surely would have been reported to the Police. There is no justification for not approaching the Police in the event of such an action by one of the neighbours of the informant.

The learned counsel for the petitioner has further submitted that the petitioner has remained in jail for about a year by now and there is a history of past enmity. The father of the petitioner had earlier filed a case of murder against the brother of the husband of the informant. It appears, it has been argued, that only to avenge the old enmity, such an absurd story has been narrated in the F.I.R.



The allegation in the F.I.R of the petitioner being a person of questionable character and having criminal antecedents is also not correct. But for one case and that also of minor offences, there is no other case pending against the petitioner.

Taking into account the aforesaid fact, the petitioner, above named is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 427 of 2017.

(Ashutosh Kumar, J)

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