

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48918 of 2019

Arising Out of PS. Case No.-329 Year-2019 Thana- KATIHAR District- Katihar

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1. JALALUDDIN Son of Late Saidur Rahman Resident of village- Chilhania, Police Station- Amdabad, District- Katihar.
 2. Wasim Akram Son of Jalaluddin Resident of village- Chilhania, Police Station- Amdabad, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and learned counsel for the informant as also for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Katihar Town P.S. Case No. 329 of 2019 registered for the offence punishable under Section 365 of the Indian Penal Code.

Learned counsel for the petitioner submits that the allegation of abduction of the brother-in-law of the informant is not correct. There is some matrimonial dispute between the two families and the petitioner is presently paying interim maintenance to his wife who is the daughter of petitioner no. 1 and sister of petitioner no. 2.

Learned counsel representing the informant, however, submits that the Police has recovered the brother-in-law of the informant from the house of the petitioners, therefore, the allegations that while his brother-in-law was standing near the Katihar



Registration office, these petitioners had forcibly put him in a four wheeler vehicle and had abducted cannot be said to be a false allegation.

In the given facts and circumstances of the case where it appears to this Court that because the victim has been recovered from the house of these petitioners, these petitioners do not deserve anticipatory bail but at the same time considering the kind of relationship between the parties and the fact that the whole dispute clusters around the matrimonial dispute between the two families and otherwise there is no allegation of causing any assault upon the brother-in-law of the informant, in case the petitioners surrender and pray for regular bail within a period of four weeks from today, their prayer for regular bail shall be considered on its own merit keeping in view the kind of relationship between the parties and the fact that there is no allegation of assault against these petitioners. The petitioner no. 2 seems to be 22 years old brother of wife of the victim and considering his age the court below is directed to consider his prayer for regular bail on the same day.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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