

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.64950 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- DARIYAPUR District- Saran

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1. Dipak Kumar, aged about 19 years, Male, S/o Awadhesh Rai
 2. Awadhesh Rai, aged about 41 years, S/o Late Buddhan Rai
 3. Basanti Devi @ Samundri Devi, aged about 38 years, female, W/o Awadhesh Rai
- All are R/o Village- Bankerwa Gawal, P.S- Parsa, District- Saran at Chapra- 841221

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-10-2024 Heard Mr. Jeetendra Narayan, learned counsel

appearing on behalf of the petitioners and Mr. Khurshid Anwar,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Dariyapur P.S. Case No. 38 of 2024 registered for the
offence(s) punishable under Section 366 of the Indian Penal
Code.

3. As per the allegation made in the FIR, the wife of
the informant has left the house along with petitioner no.1 and
petitioners no.2 and 3, who are father and mother of petitioner
no.1, were instrumental in illegal act of kidnapping of the wife



of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that from the very allegation made in the FIR, no case is made out, as the victim, who is wife of the informant, has nowhere alleged that she was kidnapped or was forced to leave her house in view of the allegation made in the FIR.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, victim has not alleged that she was forcibly kidnapped or in any manner she has left the house, rather it appears that she on her own has left the house and thereafter returned back, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra in connection with Dariyapur P.S. Case No. 38 of 2024,



subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Purnendu Singh, J)

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