

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68474 of 2024

Arising Out of PS. Case No.-230 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

1. Nil Kamal Kumar Son of Malo Ray @ Malo Rai R/O Vill.- Hasanpur Surat, P.S.- Hasanpur, Dist.- Samastipur.
2. Avinash Kumar Son of Malo Ray @ Malo Rai R/O Vill.- Hasanpur Surat, P.S.- Hasanpur, Dist.- Samastipur.
3. Malo Ray @ Malo Rai Son of Late Ramvirt Ray R/O Vill.- Hasanpur Surat, P.S.- Hasanpur, Dist.- Samastipur.
4. Arun Rai @ Arun Kumar Son of Kamal Ray R/O Vill.- Hasanpur Surat, P.S.- Hasanpur, Dist.- Samastipur.
5. Rubi Devi Wife of Mukesh Kumar R/O Vill.- Hasanpur Surat, P.S.- Hasanpur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 15-04-2025 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 363, 365, 379, 385, 504, 506/34 of the Indian Penal Code.

3. The allegation against the petitioners is of kidnapping the informant from the petrol pump and of being brought to the house of one Malo Rai, where the accused persons tied his legs and hands and the petitioner no. 5 Rubi



Devi, who is the wife of informant, demanded cash of Rs. 5 lakhs after selling of land or else he would not be released from the captivity.

4. Learned counsel for the petitioners, at the outset, submits that the entire case is a fall out of a matrimonial dispute between the informant and petitioner no. 5, who happens to be the wife of the informant. It has been argued that prior to this case, the petitioner no. 5 had already filed case under Section 498A on 08.05.2024 against the informant and his family members and the same has been annexed as Annexure-P/2 to the present application. The injuries suffered by the petitioner no. 5 during the course of her matrimonial torture has also been brought on record by way of Annexure-P/3. Learned counsel for the petitioner further submits that while the case under Section 498A of the IPC was filed by the petitioner no. 5 on 08.05.2024, present case has come to be filed on 22.06.2024 as a counter blast to the case filed by the petitioner no. 5 under Section 498A of the IPC.

5. Learned APP for the State and the informant oppose the prayer for anticipatory bail, besides other grounds, also on the ground that the CCTV footage as produced by the I.O. during the course of investigation would go to show that the



petitioner no. 5, Rubi Devi was seen assaulting the informant and petitioner no. 1 Avinash Kumar was catching hold of the informant and all the others were seen dragging the informant from the petrol pump as would appear from para-8 of the case diary. Learned counsel for the informant makes a reference to the statement of the informant recorded under Section 164 Cr.P.C. in which he has supported the case of kidnapping, demanding and threatening to assault at the hands of the petitioners.

6. Learned counsel for the petitioners, in response, submits that as against such allegation the informant has not suffered any injury as no injury report of the informant is available during the course of investigation. He further submits that the CCTV footage would only go to show that the parties were engaged in assault with each other.

7. Taking into all the above-mentioned facts and circumstances and especially the circumstance that the matter arises out of the matrimonial dispute and the case under Section 498A of the IPC has already been filed by petitioner no. 5 as against the informant and his family members after which the present case has come to be filed against the petitioners and also considering the absence of any injury



been caused to the informant in the entire transaction, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Patory P.S. Case No. 230 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

devendra/-

U		T	
---	--	---	--

