

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41013 of 2014

Arising Out of PS. Case No. -70 Year- 2013 Thana -JAMALPUR District- DARBHANGA

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1. Ramphal Yadav, Son of Yasho Yadav
2. Nirmal Yadav, son of Ramphal Yadav
3. Niranjana Yadav, son of Ramphal Yadav
all resident of village- Laxmipur Kakorwa P.S.- Jamalpur and District-
Darbhanga

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 04-03-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in connection
with Jamalpur P.S. Case No. 70 of 2013 dated 31.08.2013
instituted under Sections 364/ 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that
though they were named in the F.I.R. and the allegation is that
the son of the victim had been taken away by the petitioners
and nine other persons all belonging to the same family but the
allegation is false as the police have also submitted
chargesheet only under Sections 323/504/34 of the Indian



Penal Code and 3(1)(x) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989, finding the allegation of kidnapping to be false. Learned counsel submits that the present case is the counter blast of Jamalpur P.S. Case No.42 of 2011 dated 14.06.2011 instituted under Sections 302/34 of the Indian Penal Code in which the son of the petitioner no.1 was murdered by the informant and others of the present case and because witnesses have started deposing in the case, to exert undue pressure, the present case has been lodged. Learned counsel submits that even the learned Magistrate has taken cognizance only under Sections 323/ 341/ 365/ 504/34 of the Indian Penal Code which clearly establishes that at best the allegation is of kidnapping to secretly and wrongfully confine the person though the same is also not correct, as has been found by the police. Learned counsel submits that the petitioners having no criminal antecedent have been unnecessarily harassed causing loss of prestige and further the petitioner no.1 is quite aged.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the

event of arrest or surrender before the court below within four weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial magistrate, 1st Class, Biroul at Benipur, Darbhanga in Jamalpur P.S. Case No. 70 of 2013, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

Ashwini/-

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