

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48618 of 2015**

Arising Out of PS.Case No. -336 Year- 2014 Thana -MADHEPURA COMPALINT CASE District-  
MADHEPURA

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1. Subodh Yadav son of Sudish Yadav Resident of Village- Barahkurwa  
Police Station Kumar Khand, District Madhepura.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Amirka Devi W/o Garib yadav resident of Village- Barah Kurwa P.s  
Kunarkhand Dist Madhepura.

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

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with

**Criminal Miscellaneous No.51168 of 2015**

Arising Out of PS.Case No. -336 Year- 2014 Thana -MADHEPURA COMPALINT CASE District-  
MADHEPURA

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1. Bhushan Yadav, Son of Vijay Yadav, Resident of village- Belthari,  
Police Station- Janki Nagar, District- Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Amirka Devi W/o Garib Yadav resident of Village- Barahkurwa, Police  
State- Kumarkhand, District- Madhepura.

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

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**Appearance :**

(In Cr.Misc. No.48618 of 2015)

For the Petitioner/s : Mr. Durgesh Kumar

For the Opposite Party/s : Mr. T.N.Thakur(App)

(In Cr.Misc. No.51168 of 2015)

For the Petitioner/s : Mr. Durgesh Kumar

For the Opposite Party/s : Mr. Amitesh Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

**ORAL ORDER**

4      22-02-2016      Both the Criminal Miscellaneous are of the same  
  
occurrence and as such have been heard together and are being  
  
disposed of by passing this common order.

Heard the learned counsel for the petitioners, the learned A.P.P for the State as also the learned counsel for the Complainant.

The petitioners seek bail in a case for the offences punishable under sections 364, 323, 354 and 504/34 of the I.P.C

Allegedly, the petitioner Subodh Yadav instigated the complainant to send her son Bhola Yadav to Punjab where his brother Bhushan Yadav (petitioner in Cr. Misc. No. 51168 of 2015) will engage him and the son of the complainant will get Rs. 13,000/- per month. With this assurance the son of the complainant was taken away but thereafter neither any single paise was paid nor the son of the complainant was allowed to talk with the complainant and further the complainant was abused by the petitioners and was told that her son is now not on this earth.

Submission is of false implication due to land dispute, the petitioners never instigated the complainant to send her son, the son of the complainant might have gone at his own will to earn his livelihood and only due to enmity the complainant has named the petitioners resulting they are suffering in custody since 30.07.2015 and 13.08.2015 respectively, no offence as alleged is made out and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for bail.

In the facts and circumstances as stated above, considering custody of the petitioners, they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Madhepura in Complaint Case No. 336 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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