

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63534 of 2017

Arising Out of PS.Case No. -63 Year- 2017 Thana -TARABARI District- ARRARIA

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1. Arvind Yadav, S/o Kin Lal Yadav,
2. Satya Narayan Yadav, son of Ganesh Lal Yadav
Both r/o Village- Dhum Tola, Deep Nagar, Ward No.-10, P.S.- Sikty, Distt.-
Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate.
For the informant : Mr. Jagjit Roshan, Advocate.
Mr. Ambarish Kumar, Advocate.
For the Opposite Party/s : Md. Sufiyan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-02-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.

The petitioners apprehend their arrest in **Tarabari**
P.S. Case No. 63 of 2017 instituted for the offence under Sections
365/34 of the Indian Penal Code.

In the written report it is alleged by the informant that
his father had gone to house of his *Samdhi* and in the way, these
petitioners with other accused persons, in conspiracy, have got his
father kidnapped. The informant has still no information whether
his father has been killed or not. It is further alleged that on
29.7.2017, one Amir Khan of village Parariya came to the house



of the informant and told that co-accused Budh Lal Yadav and Ganga Yadav offered him Rs.1,00,000/- for kidnapping his father.

Learned A.P.P. and learned counsel for the informant have appeared. They have submitted that informant has given his statement under Section 164 Cr. P.C. in which he has taken the name of these petitioners. He has further stated that two other witnesses have also taken the name of these petitioners. Learned A.P.P. has stated that dead body has been recovered from the water in Sray which was identified by informant to be dead body of his father. But police is still in ambiguity about identity of dead body and Section 302 of the Indian Penal Code has not been added.

Learned counsel for the petitioners has submitted that mere suspicion has been raised against these petitioners.

From the written report itself it appears that mere suspicion has been raised against these petitioners. The statement of the informant has been recorded under Section 164 Cr. P.C. after four months of lodging of the First Information Report i.e. in the month of December, 2017.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within



six weeks from today, in connection with **Tarabari P.S. Case No. 63 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-V, Araria**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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