

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6260 of 2019

Arising Out of PS. Case No.-57 Year-2018 Thana- NAURANGIA District- West Champaran

1. Pramod Yadav, Late Ganga Yadav Vill-Sirisiya Bhul Tola, P.S-Naurangiya, Distt.-West Champaran
2. Chhotu Yadav, Late Ganga Yadav Vill-Sirisiya Bhul Tola, P.S-Naurangiya, Distt.-West Champaran
3. Mukesh Yadav, Late Ganga Yadav Vill-Sirisiya Bhul Tola, P.S-Naurangiya, Distt.-West Champaran
4. Sushila Kumari, Late Ganga Yadav Vill-Sirisiya Bhul Tola, P.S-Naurangiya, Distt.-West Champaran
5. Musmat Fulkumari, Late Ganga Yadav Vill-Sirisiya Bhul Tola, P.S-Naurangiya, Distt.-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

9 01-08-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Naurangiya P.S. Case No.57 of 2018 for the offence punishable
under Sections 120(B), 341, 323, 498(A), 304(B), 307, 386,
365, 504, 368, 506, 509/34 of the Indian Penal Code.

The allegation against the petitioners, as per the
statement made in the First Information report is that daughter
of the informant was married with petitioner No.1, seven years



ago. It has further been alleged that after some time, the accused persons started demanding of Rs. 1 lakh and motorcycle as dowry. Further allegation is that the family members of informant daughter's sasural used to threaten her for non-fulfillment of demand of dowry that she would be killed and second marriage of Manoj Yadav, i.e., petitioner No.1 would be performed with another girl. It has further been alleged that on 25.06.2018, the informant got an information that accused persons have killed his daughter and concealed the dead body somewhere else.

Mr. Ravi Shanker Sahay, learned counsel appearing for the petitioners, submits that petitioners are innocent and have falsely been implicated in a case. He further submits that prior to lodging this First Information Report, the mother of the petitioner No.1, Mostt. Ful Kumari had lodged FIR bearing Naurangiya P.S. Case No.40 of 2018 on 03.07.2018 stating therein that her daughter-in-law, Buchhi Devi, had eloped along with one Umesh Yadav of the same village for performing marriage with him.

Learned counsel for the petitioners further submits that the falsity of the case would further be evident that prior to the present FIR based upon a complaint, another complaint was



also lodged which is Annexure-3 almost on the same allegation dated 21.07.2018. However, that complaint was not pursued and again another complaint-cum-FIR was lodged on 05.09.2018 based upon statement made thereof. Learned counsel submits that entire story made in the complaint-cum-FIR is doubtful and the daughter of the informant had fled away with some other persons of the same village.

On the other hand, learned counsel for the State based upon the case dairy submits that during the course of the investigation, the witnesses have sated that the daughter of the informant, Buchhi Devi, had fled away with Umesh Yadav.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that during course of investigation, the material has come that Buchhi Devi, i.e., the victim had fled away with one Umesh Yadav and further case lodged by the side of the petitioner is prior in time regarding the abduction / kidnapping of Buchhi Devi by Umesh Yadav, as such, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court



below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Bagaha, West Champaran, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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