

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25160 of 2019**

Arising Out of PS. Case No.-6 Year-2019 Thana- GOPALPUR District- Gopalganj

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1. HARINANDAN YADAV aged about 60 years, Male, Son of Late Tapi Yadav
 2. Jeendra Yadav @ Jeetendra Yadav aged about 35 years, Male, Son of Harinandan Yadav
 3. Prabhawati Devi aged about 58 years, Female, Wife of Harinandan Yadav
All are resident of Village- Bodhachhapar, P.S - Gopalpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Pranav Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 29-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Gopalpur P.S. Case No. 06/2019 registered under Sections 365, 366, 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution report the minor daughter of the informant had gone to meet her friend on 07.09.2018 but thereafter she did not return back. The informant came to know that accused Badsah Yadav son of petitioner no. 1 used to talk with his daughter on phone and on the date and time of the alleged occurrence he had talked with his daughter. It is alleged that when the informant



asked the co-accused about whereabouts of Badsah Yadav and the victim girl, the co-accused hurled abuses on the informant and asked him to get away saying that their son had kidnapped the daughter of the informant and he may do whatever he likes.

Learned counsel for the petitioners submits that these petitioners have been falsely implicated only because they happened to be the father, brother and mother respectively of said Badsah Yadav against whom there is an allegation that daughter of the informant had fled away.

Learned counsel for the State has opposed the prayer for anticipatory bail of the petitioners saying that the victim girl is yet to be recovered, therefore, custodial interrogation is necessary in order to bring out the truth.

Having heard learned counsel for the petitioners and learned A.P.P. for the State, considering that the petitioner no. 3 is a female and there is no specific allegation of any active participation against her, this court is inclined to grant anticipatory bail to petitioner no. 3 namely, Prabhawati Devi, in the event of her arrest/surrender before the court below within a period of four weeks, let the above-named petitioner no. 3 namely, Prabhawati Devi be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two



sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj, in connection with Gopalpur P.S. Case No. 06/2019, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure and further condition that she would make herself available to Investigating Officer for investigation or interrogation.

So far as petitioner nos. 1 & 2 are concerned, they are the father and brother of the accused Badsah Yadav who is said to have kidnapped the victim girl and the victim girl is still traceless, this court is not inclined to grant anticipatory bail to petitioner nos. 1 & 2.

The prayer for anticipatory bail of petitioner nos. 1 & 2 is, thus, refused and the application is dismissed against them.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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