

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3039 of 2020

Arising Out of PS. Case No.-553 Year-2013 Thana- SUPAUL District- Supaul

PRAKASH YADAV @ PAPPU YADAV s/o Sri Yugeshwar Yadav R/o Ward
No. 5, Dumariya, P.O.- Pipra Khurd, P.S. and District- Supaul ... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-03-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Supaul
Police Station Case No. 553 of 2013, registered for the offences
under Sections 366/379/120B of the Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report instituted under Section 156 (3) of the Code
of Criminal Procedure, 1973, is that the informant, Jawahar
Yadav, stated that the marriage of his son, Pramod Yadav, was
solemnized 10 years back and out of their wedlock, two children
were born and about 2½ months prior to the filing of the
complaint, when the informant and his wife got up, they did not
see their daughter-in-law, Sunita Devi, along with two sons, in
the house. It has further been alleged that the petitioner, along
with other accused persons, have kidnapped the daughter-in-law
of the informant for the purpose of selling her.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute between the parties. He submits that both the parties are agnates and there is previous dispute between them. He further submits that from perusal of the complaint, it would be evident that the occurrence took place about 2½ months prior to the lodging of the complaint. He, referring to paragraph 98 of the case diary, submits that the informant, after six years of the filing of the complaint, has changed his statement and has narrated a different story that in the night of the date of occurrence, the daughter-in-law along with her two sons left the house of the informant due to some quarrel between her and the wife of the informant and had gone to the house of co-accused Nageshwar Yadav, who is brother of the father of the petitioner. He further submits that the informant is in the habit of filing false cases against the family members of the petitioner inasmuch as earlier also, he had filed Madhepur (Bheja) Police Station Case No. 146 of 2008 against the petitioner and others, alleging abduction of the son of the informant, in which the police has submitted final form, not sending the petitioner and others for trial.

On the other hand, learned Additional Public



Prosecutor vehemently opposes the prayer for bail and referring to paragraph 98 of the case diary has submitted that the statement of the informant was recorded under Section 161 of the Code of Criminal Procedure, 1973, in which he has stated a different story than the story mentioned in the complaint.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is contradiction in the statements made by the informant in the complaint and before the police recorded after six years of the alleged occurrence and the petitioner is in custody since 06.09.2019, I am inclined to enlarge the petitioner on bail.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Supaul Police Station Case No. 553 of 2013.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	✓	T	✓
---	---	---	---

