

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7341 of 2020

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

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1. YUGESHWAR YADAV Son of Late Baldev Yadav Resident of Village-Dumariya, Ward No.5, Pipra Khurd, P.S. and District-Supaul.
 2. Nageshwar Yadav Son of Late Baldev Yadav Resident of Village-Dumariya, Ward No.5, Pipra Khurd, P.S. and District-Supaul.
 3. Rajendra Yadav Son of Late Baldev Yadav Resident of Village-Dumariya, Ward No.5, Pipra Khurd, P.S. and District-Supaul.
 4. Manjula Devi @ Manju Devi Wife of Sri Nageshwar Yadav Resident of Village-Dumariya, Ward No.5, 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, Advocate
For the S t a t e	:	Mr Md Aslam Ansari, APP
For the Complainant	:	Mr Kuldeep Kumar, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 10-07-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners, complainant and learned APP for the State.

Petitioners apprehend their arrest in connection with



Supaul Police Station (for brevity, *PS*) Case No 553 of 2013 instituted for the offence punishable under Section (s) 366, 379, 120B of Indian Penal Code.

The allegation in the complaint petition is that the daughter-in-law of the complainant and his two grandsons have been found missing one fine morning. Raising apprehension of past enmity with co-accused Prakash Yadav and the other four accused persons (petitioners), they have been implicated in this case that they have taken her away and that one suit case and ornaments have also been taken away.

Learned counsel for the petitioners submits that there is a history of animosity between the parties and false cases have earlier been filed by the prosecution party against the petitioners. There is allegation that daughter-in-law was missing along with two grandsons. However, shockingly, the complaint has been lodged after a long delay of two months and 15 days. Other than suspicion and statements of the persons, who are interested in favour of the complainant, there is no material on record to suggest the petitioners' implication in the instant case.

Learned APP for the State and learned counsel representing the Complainant have opposed the prayer for bail.



In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in connection with Supaul PS Case No 553 of 2013 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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