

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14020 of 2020

Arising Out of PS. Case No.-126 Year-2019 Thana- PASRAHA District- Khagaria

1. Ganga Yadav @ Shiva Yadav, Male, aged about 35 years, Son of Mahendra Yadav, Resident of Village - Yadubans Nagar, P.S.- Parwatta (Bharatkhand O.P.), District – Khagaria.
2. Sonu Yadav, aged about 32 years, Son of Mahendra Yadav, Resident of Village - Yadubans Nagar, P.S.- Parwatta (Bharatkhand O.P.), District – Khagaria.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Bharat Bhushan, Advocate.
For the Opposite Party : Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-08-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 363 and 365 of the I.P.C. Later on, the same was altered under Sections 364/34 of the I.P.C.

The prosecution story, in brief, is that on 26.09.2019 at about 3.00 O’clock, the husband of the informant Binnu



Yadav went to his field for sprinkling *Urea*. After doing the same, he cut the grass and band on his *Bicycle* and gave a sack of *kheri* to his daughter and told her to go to the house from shortest route and he said that he will come from road with grass but till date her husband did not return to his house.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioners are not named in the F.I.R. The names of the petitioners have come in the present case in course of investigation merely on the basis of suspicion. Except for suspicion there is no other substantive evidence to suggest the implication of the petitioners in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are not named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned J.M. Ist Class, Khagaria, in connection with Pasraha P.S. Case No.



126/2019, arising out of G.R. No. 2889 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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