

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18740 of 2020

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

1. Bijali Yadav Son of Mahendra Yadav Resident of Village - Yadubans Nagar, P.S.- Parwatta (Bharatkhand O.P.), Distt.- Khagaria.
2. Kanbuchcha Yadav @ Anoj Yadav Son of Mahendra Yadav Resident of Village - Yadubans Nagar, P.S.- Parwatta (Bharatkhand O.P.), Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Bhushan
For the Opposite Party/s : Ms.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 08-07-2020 Heard learned counsel for the parties through video conferencing.

This relates to grant of regular bail in Pasraha P.S. Case No. 126 of 2019 (G.R. No. 2889 of 2019) punishable for the offence under Sections 364/34 of the Indian Penal Code.

As per prosecution case, on 26-09-2019, the husband of the informant went to his field to sprinkle urea fertilizer. It is alleged that the victim sent his daughter back to his house alongwith one sack of *khari* and told her that he is also coming from the roadside carrying grass on his bicycle, but till date, he is traceless.

It is submitted on behalf of petitioners that petitioners are innocent and have falsely been implicated in this case due to



village politics, whereas, FIR has been lodged against unknown. There is no eye-witness of either kidnapping or that of murder of informant's husband. The reason for false implication is that in the year 2002, a case was instituted for murder of Hari Lal Yadav, in which, father of both petitioners was witness and deposed against informant's husband (victim), who was accused in that case. Petitioners have got clean antecedent.

However, learned A.P.P. for the State has vehemently opposed the prayer for bail and submitted that daughter of the informant is eye-witness to the occurrence, who in paragraph 6 of the case diary, has submitted that she has seen accused persons including petitioners taking her father forcefully and other witnesses have also supported the prosecution case.

Considering the aforesaid fact and the material available on record, I am not inclined to grant bail to petitioners.

Accordingly, the bail application is rejected.

(Prabhat Kumar Singh, J.)

anay

U		T	
---	--	---	--

