

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63555 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- SONO District- Jamui

1. Sarju Yadav @ Saryu Yadav Son of Late Param Yadav @ Paran Yadav Resident of Village-Rajaun Tola Jaikara, P.S-Sono Charkapathar, District-Jamui.
2. Vinod Yadav Son of Sarju Yadav @ Saryu Yadav Resident of Village-Rajaun Tola Jaikara, P.S-Sono Charkapathar, District-Jamui.
3. Kashi Yadav Son of Late Bhumal Yadav Resident of Village-Rajaun Tola Jaikara, P.S-Sono Charkapathar, District-Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Akash Raj, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Sono (Charkapatthar) P.S. Case No. 07 of 2019 registered under Sections 302, 201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the First Information Report the petitioner nos. 1 & 2 came to the house of the informant on 01.07.2018 and informed him that there is a vacancy in the Company and



the son of the informant may be engaged there on a monthly salary of Rs. 10,000/-. It is alleged that on such information the informant sent his son with petitioner nos. 1 & 2 but thereafter his son has not returned. On 25.11.2018, when the accused persons came to the village they had informed the informant that his son had been engaged in a job and thereafter his whereabouts is not known to them.

Learned counsel for the petitioners submits that the entire prosecution is false as it has come in course of investigation that the informant as well as the petitioners' side are having old land dispute, they are co-sharers and all the witnesses have supported about their dispute for a long time, under these circumstances it is improbable that the petitioners will go to the house of the informant and will advise him to send his son along with them for purpose of a job.

In this connection, learned counsel also submits that the cousin brother of the informant and another witness in the village have come forward to say that son of the informant had left the village about 7 - 8 years back on his own and thereafter he has not returned.



Learned A.P.P. for the State has after going through the case diary submitted that the fact with regard to the dispute between the parties has revealed in course of inquiry and the witnesses have also said that the son of the informant had left the village about 7 – 8 years ago.

In the facts and circumstances of the case considering the submissions noted here-in-above and the materials which have come in the case diary saying that there were ongoing land dispute between the parties and son of the informant had left the village about 7 - 8 years back and thereafter he has not returned, let in the event of their arrest/surrender before the court below within a period of four weeks, the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st Class, Jamui, in connection with Sono (Charkapatthar) P.S. Case No. 07 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when



required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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