

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1129 of 2020

Arising Out of PS. Case No.-288 Year-2015 Thana- JAYNAGAR District- Madhubani

1. Ram Yash Devi, aged about 58 years (Female), W/o Satya Narayan Yadav, Resident of Village- Chharrapatti, P.S.- Jayanagar, District- Madhubani.
2. Raj Kumar @ Jhari Yadav @ Jhari, aged about 35 years, Son of Satya Narayan Yadav, Resident of Village- Chharrapatti, P.S.- Jaynagar, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Gagan Deo Yadav, Advocate.
For the State	:	Mr. Narendra Kumar Singh, A.P.P.
For the Informant	:	Mrs. Kusum Devi, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 25-08-2020 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, learned A.P.P. for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 363, 364/34 and 379 of the IPC.

The prosecution story, in brief, is that on 24.10.2015 at about 6.00 P.M., co-accused Lalit Yadav and his mother Ramyash Devi (petitioner no.1) took away the wife of the informant at their house and after some time they have returned in his house from there. It is further alleged that the aforesaid



persons after taking the jewellery like *Hasuli*, *Payal* of silver, *Mangalsutra*, *ear-ring* of gold, *nose pin* and cash worth of Rs. 18,000/- and went to the house of co-accused Lalit Yadav. Thereafter, co-accused Ajit Kumar Yadav, Jhari Yadav (petitioner no. 2) and co-accused Lalit Yadav kidnapped his wife Dukhani Devi and taken away her on Motorcycles. It is further alleged that search was made but she could not trace out. The nephew of the informant had told that when he went to the field he saw that co-accused Ajit Kumar Yadav, Jhari Yadav (petitioner no. 2) and co-accused Lalit Yadav took away co-accused Satyanarayan Yadav, his wife Ramyash Devi (petitioner no. 1) and the wife of the informant Dukhani Devi on the Motorcycles. Thereafter, the informant started to search but could not trace out.

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 merely on the basis of suspicion. There is no eye witness to the alleged occurrence. It is alleged that the deceased had left with the accused persons. Except for suspicion, there is no substantive evidence to suggest the



implication of the petitioners in the present case. Later on, Section 302 of the I.P.C. was also added. The petitioner no. 1 is a lady and the petitioner no. 2 is a student.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are 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 S.D.J.M. Madhubani, in connection with Jaynagar P.S. Case No. 288 of 2015, 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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