

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28523 of 2020

Arising Out of PS. Case No.-188 Year-2019 Thana- LAURIA District- West Champaran

1. Krishna Yadav Son of Parshuram Yadav R/O Kaulachi, P.S.- Chautarwa, District - West Champaran
2. Rama Hari Yadav Son of Parshuram Yadav R/O Kaulachi, P.S.- Chautarwa, District - West Champaran
3. Krishna Milan Kumari Daughter of Parshuram Yadav R/O Kaulachi, P.S.- Chautarwa, District - West Champaran
4. Parshuram Yadav Son of Tisraj Yadav R/O Kaulachi, P.S.- Chautarwa, District - West Champaran
5. Deepak Yadav Son of Vishwanath Yadav R/O Village - Bhatt Dumra, P.S.- Lauriya, District - West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey,Advocate
For the State	:	Mr.Akhileshwar Dayal,APP
For the Informant	:	Mr.Abhishek Kumar,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 01-03-2021 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

Petitioners, in the present case, are seeking pre-arrest bail in connection with Lauriya P.S. Case No. 188 of 2019 registered for the offences punishable under Sections 363, 366/34 of the Indian Penal Code.

Earlier when the case was taken up for consideration on 03.12.2020 after noticing the submission of learned counsel for the petitioners, this Court had granted interim protection to the petitioners. On 20.01.2021 after perusal of the supplementary affidavit filed on behalf of the petitioners, this Court had passed the



following order:

“A supplementary affidavit has been filed yesterday on behalf of the petitioners.

In the supplementary affidavit, it is stated that with the help of some well-wishers and local persons petitioners have come to know that the informant's wife has eloped with one Sunil Yadav, son of Nandlal Yadav, resident of Banrahi, Patjirwa, P.S. - Yogapatti, District- West Champaran who is husband of her cousin and they are living together somewhere in Chandigarh and further that they have been blessed with one child, and these facts were disclosed by the petitioners before the Investigating Officer but the same has not been recorded in the case diary, on perusal of the case diary, this Court has noticed that the neighbour of the informant has made statement that he was told by the informant that the informant was not present in his house on the alleged date of occurrence and when he returned from the place of his sister, he found the doors open and his wife was missing. This fact was reported to police after two months, Mr. Dayal, learned A.P.P. for the State prays for some time to seek instruction from the Investigating Officer and assist this court on the next date.

Let the Investigating Officer of this case be remain present physically on the next date with further progress report/case diary of this case.

List this case on 8th of February, 2021.

In the meantime, interim order, if any, shall continue.

In the meantime, as and when required the petitioners shall appear before the I.O. and



cooperate in course of investigation.”

Today, learned counsel for the petitioners as well as learned counsel for the informant submit that what were being submitted on behalf of the petitioners have come true. The wife of the informant has been recovered from the house of one Sunil Yadav and they were found living together. The whole case has now taken a different turn and the investigation will be required from another angle. These petitioners have not been named by the victim in the alleged occurrence.

The Investigating Officer of the case is also present. Nothing has been alleged against these petitioners.

In the given facts and circumstances of the case, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Lauriya P.S. Case No. 188 of 2019, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, West Champaran, Bettiah, subject to the conditions 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.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Before this Court part with this order thinks it just and proper to mention that had the investigating agency particularly the senior officers of the investigating agency would have devoted some time to the case, the petitioners would have been saved from the harassment which they faced so far in showing themselves not involved in the present case.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

