

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9402 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- GOGRI District- Khagaria

-
1. Manohar Yadav, male, aged about 36 years, Son of Nakul Yadav.
 2. Sogarath Yadav, male, aged about 32 years, Son of Lalmani Yadav.
 3. Kripal Yadav @ Ramkripal Yadav, male, aged about 36 years, Son of Arjun Yadav.
 4. Mahipal Yadav, male, aged about 21 years, Son of Arjun Yadav.
- All are resident of village - Shishwa, P.S. - Gogari, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindya Keshari Singh, Adv.
For the Informant	:	Mr. Manoj Kumar Jha, Adv.
For the State	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 20-12-2021 Heard Mr. Vindya Keshari Singh, the learned Senior Advocate for the petitioners and Mr. Manoj Kumar Jha, the learned counsel for the informant. The State is represented by the learned APP.

Mr. Singh, the learned Senior Advocate has informed this Court that the application with respect to



petitioner No. 4, namely, Mahipal Yadav has earlier been dismissed as withdrawn because he had been arrested during the pendency of this bail application.

The petitioner Nos. 1, 2, and 3, namely, Manohar Yadav, Sogarath Yadav and Kripal Yadav @ Ramkripal Yadav respectively, seek bail in anticipation of their arrest in connection with Gogari P.S. Case No. 21 of 2020, dated 19.01.2020, instituted for the offences under Sections 364, 506 and 34 of the Indian Penal Code.

The accusation against these petitioners is of having abducted the husband of the informant on gunpoint. The aforesaid abduction/kidnapping was because of the fact that the son of the informant had married the daughter of petitioner No. 1, which was not to his liking.

It has been submitted on behalf of the petitioners that the story of abduction of the husband of the informant is absolutely false. The husband of the informant is hiding somewhere trying to evade arrest in the case lodged by petitioner No. 1. It has further been submitted that the daughter of petitioner No. 1 is a minor who has been



abducted by the husband and the son of the informant. Apart from this, it has been submitted that the instant case has been lodged only to avoid police action against them.

It has also been submitted that some of the other accused persons of this case, who have been arrested, have been granted bail by different Benches of this Court.

Regard being had to the nature of accusation against petitioner Nos. 1, 2 and 3 and their having been seen by the informant as taking away her husband on the gunpoint, I am not inclined to grant them the privilege of anticipatory bail.

The prayer for grant of anticipatory bail to petitioner Nos. 1, 2 and 3, namely, Manohar Yadav, Sogarath Yadav and Kripal Yadav @ Ramkripal Yadav respectively, is, accordingly, rejected.

However, if they surrender before the Court below and seek bail, the Court below, after taking into account the fact that petitioner No. 1 had earlier lodged a case against the husband of the informant for having conspired to have his minor daughter married to his son and that other accused



persons of this case have been granted bail, shall pass order in accordance with law on its own merits, without being prejudiced by the fact that the present anticipatory bail application on their behalf has not been entertained by this Court.

The application stands disposed off accordingly..

(Ashutosh Kumar, J)

Praveen-II/-

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

