

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13896 of 2021

Arising Out of PS. Case No.-158 Year-2020 Thana- JADIA District- Supaul

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1. Arun Yadav, Son of Kedar Yadav.
 2. Ritam Devi, Wife of Arun Yadav.
Both are residents of Village - Ward No. 13, Kajaha, Panchayat - Guriya,
P.S. - Jadiya, District - Supaul.
 3. Akhilesh Kumar Yadav, resident of Ward No. 13, Dedipur, P.S. - Supaul,
District - Supaul.
 4. Gulab Yadav, Son of Devi Lal Yadav, resident of Koriyapatti, P.S. -
Raghopur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhouri Vipin Bihari Shrivastava, Adv. Ms. Patla Kumari, Adv.
For the Informant	:	Mr. Kumar Goutam, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 04-04-2022 Heard Mr. Akhouri Vipin Bihari Shrivastava, the

learned counsel for the petitioners and Mr. Kumar Goutam,

the learned counsel for the mother of petitioner No. 1, on

whose statement, he has been made accused in this case



even though he is the informant of the subject F.I.R.

The State is represented by Mr. Ram Priya Sharan Singh, the learned APP, who has examined the case diary and has assisted this Court.

The petitioners seek bail in anticipation of their arrest in connection with Jadiya P.S. Case No. 158 of 2020, dated 26.08.2020, instituted for the offence under Section 365 of the Indian Penal Code.

The subject F.I.R. was lodged by petitioner No. 1 complaining that his father who had visited the Singheshwar Temple for offering worship has not returned. There was some suspicion in his mind that his father has been detained/kidnapped by somebody. After about 28 days of the occurrence, the wife of the victim, who is the mother of petitioner No. 1, made a statement before the police that she and her two other sons who stay with her, have suspicion that perhaps the petitioner No. 1 has caused the disappearance of the victim. The reason for suspecting the hands of petitioner No. 1 by his mother is that he had forcibly got five kathas of land transferred in his his name



and was also insisting for partition of family property to which the victim was not agreeable as the interest of the entire family had to be taken into account before distributing the family property.

This is the only basis for suspecting the hands of petitioner No. 1.

The petitioner No. 2 is the wife of petitioner No. 1, whereas petitioner Nos. 3 and 4 are related to petitioner No. 1 through his marital relationship.

The learned counsel appearing for the mother of petitioner No. 1, on whose instance the petitioners have been made accused, has submitted that while the victim was proceeding towards the temple, the petitioners also followed him and came back around 1 o'clock in the night. However, on being asked about the victim, an evasive reply was given. When this matter was brought to the notice of the villagers and they started pressurizing the petitioner No. 1 to speak regarding the whereabouts the victims, he and his family members have left their house and are not to be traced thereafter.



These are the grounds on which the mother and two brothers of the petitioner No. 1 are suspecting the hands of the petitioners in the disappearance of the victim.

Three independent persons, whose statements have been recorded in paragraph 7, 8 and 9 of the case diary, though have expressed their knowledge about five kathas of land having been executed in favour of the petitioner No. 1 by his father, but with respect to petitioner No. 1 always fighting with his father over the issue of partition, they were clue-less.

Thus, it appears that the prosecution against the petitioners is based on suspicion which may or may not come out to be true after investigation.

Considering this aspect of the matter, case diary was called for by this Court and the petitioners were granted provisional bail by order dated 28.02.2022.

Beyond the afore-noted materials, there is no other fact during the investigation which could conclusively indicate towards the participation of the petitioners in the act of abduction/kidnapping of the father of petitioner No. 1.



Considering this aspect of the matter, the provisional bail granted to the petitioners is, hereby, confirmed. They shall remain on the same bail-bonds.

However, it is made clear that if the petitioners do not participate or cooperate in the investigation, it would be open for the investigator or any one of the witnesses, viz., mother and two other brothers of petitioner No. 1, to approach this Court for cancellation of bail granted to the petitioners.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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