

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64569 of 2021

Arising Out of PS. Case No.-502 Year-2020 Thana- GHOSI District- Jehanabad

Arvind Yadav @ Raju Yadav, Son of Jay Mangal Yadav, Resident of Village -
Bajitpur, P.S.- Ghosi, Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10563 of 2022

Arising Out of PS. Case No.-502 Year-2020 Thana- GHOSI District- Jehanabad

Jaymangal Yadav, Son of Late Sahadeo Yadav, Resident of Bajitpur, P.S.-
Ghosi (Okari O.P.), District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64569 of 2021)

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 10563 of 2022)

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 06-09-2022 Since both the applications arise out of Ghosi (Okari
OP) P.S. Case No. 502 of 2020, as such, they have been heard
together and are being disposed of by this common order.

Heard learned counsels for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Ghosi (Okari OP) P.S. Case No.502 of 2020, registered for the alleged offence under Sections 363, 366 (A), 379 and 504 of the Indian Penal Code.

As per the prosecution case, the petitioners and other co-accused persons entered into the house of the informant in the night and took away ornaments, cash and also the minor daughter of the informant with them. The informant showed his apprehension that his daughter was kidnapped for the purpose of prostitution or to commit rape with her. Later on, the dead body of the daughter of the informant was recovered from a river.

It has been submitted on behalf of the petitioners that the whole prosecution case is false and concocted. For an incident of 04.11.2020 at about 12.25 A.M., the FIR was instituted only on 05.11.2020 at about 6.00 P.M. and there is no explanation for this delay. It is also not believable that a person whose daughter has been kidnapped would not inform the police in time. Even during investigation, the neighbours did not hear any hue and cry. It has further been submitted on behalf of the petitioners that it is a case of honour killing as the daughter of



the informant was having affair with the co-accused Udit Yadav, who used to drive the tractor of the informant and was having amorous relationship with the daughter of the informant. Despite objection by the informant, this relationship continued and in anger, the informant and his family members killed her and the petitioners have been falsely implicated in this case. It is highly unlikely that a father would accompany his son for kidnapping the daughter of the informant. Even on the facts of the case, there are general and omnibus allegation against the petitioners and specific allegation is only against the co-accused Udit Yadav and Upendra Yadav. Thus, it has been submitted that the petitioners are innocent and have been falsely implicated in this case. The petitioner Arvind Yadav is in custody since 26.07.2021 whereas the petitioner Jaymangal Yadav is in custody since 27.04.2021. The charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioners entered into the house of the informant and kidnapped his minor daughter and also took away ornaments and cash. However, he concedes that the independent witnesses have stated about not hearing any hue and cry regarding the occurrence of dacotiy or kidnapping.



Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that there appears some doubt over manner of occurrence and false implication of the petitioners cannot be ruled out and further considering the period of custody of the petitioners and submission of charge sheet along with their clean antecedent, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Jehanabad, in connection with Ghosi (Okari OP) P.S. Case No. 502 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the



petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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