

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8657 of 2021

Arising Out of PS. Case No.-31 Year-2017 Thana- DHANKUND District- Banka

1. BABULAL YADAV S/o Late Chhedi Yadav Resident of Village- Harirampur, P.S.- Dhankund, Distt- Banka.
2. Anirudh Yadav S/o Late Jagdish Yadav Resident of Village- Harirampur, P.S.- Dhankund, Distt- Banka.
3. Subodh Yadav S/o Late Jotish Yadav Resident of Village- Harirampur, P.S.- Dhankund, Distt- Banka.
4. Gurudeo Yadav S/o Late Ram Shashi Yadav Resident of Village- Harirampur, P.S.- Dhankund, Distt- Banka.
5. Shesh Nath Yadav Son of Late Ram Shashi Yadav Resident of Village- Harirampur, P.S.- Dhankund, Distt- Banka.
6. Guddu Yadav S/o Late Jaldhar Yadav @ Jaldhar prasad Yadav Resident of Village- Harirampur, P.S.- Dhankund, Distt- Banka.
7. Ramayan Tanti @ Narayan Tanti S/o Late Chharmati Tanti Resident of Village- Bhatuachak, P.S.- Dhankund, District- Banka.
8. Saudagar Khan S/o Late Lalho Khan Resident of Village- Bhatuachak, P.S.- Dhankund, Distt- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Md. Nurul Hoda
For the Opposite Party/s :	Mr.Ashok Kumar Singh
	Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 21-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as Mr. J.N. Thakur, the learned Additional Public Prosecutor for



the State.

The petitioners apprehend their arrest in connection with Dhankund P.S. Case No. 31 of 2017, registered for offence punishable under section 364/34 of the Indian Penal Code.

As per allegation, the informant Jichhiya Devi, who comes from Mahadalit community, obtained ceiling land from the government, which was encroached by the petitioners and others. The further allegation is that on 10.06.2017, the petitioners along with other accused persons kidnapped the husband of the informant Nageshwar Manjhi with intention to kill.

The learned counsel for the petitioners has submitted that petitioners are the owners of the disputed land and that land has wrongly been allotted to the informant by the government as ceiling land. He has submitted further that the order, whereby the land was allotted to the informant, was stayed by the court of competent jurisdiction. He has also submitted that there is rumour that Nageshwar Manjhi is present in Punjab and he is earning there. The learned counsel has submitted further that in paragraph 46 of the case diary, it has been mentioned that when the investigating officer visited the house of the informant, it was not appearing to him that someone was kidnapped from



that house.

On the other hand, Mr. J.N. Thakur the learned Additional Public Prosecutor has opposed the prayer for bail and submitted that the case has been lodged five years ago and still the husband of the informant is traceless.

The investigation is still continuing. The husband of the informant could not be traced out within five years, as such, in my view, it is not a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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