

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69089 of 2021**

Arising Out of PS. Case No.-114 Year-2021 Thana- CHANDI District- Bhojpur

1. Munshi Yadav @ Munshi Ray Son Of Late Chandraman Ray Resident Of Bhadwar, P.S.- Chandi, District- Bhojpur.
2. Dharmendra Yadav Son Of Munshi Yadav @ Munshi Ray Resident Of Bhadwar, P.S.- Chandi, District- Bhojpur.
3. Santosh Yadav Son Of Sudarshan Yadav Resident Of Bhadwar, P.S.- Chandi, District- Bhojpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Malti Kumari- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      26-07-2022                      Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 307 and 506/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his son a boy of feeble mind ran away from his house on 29.06.2021 at 12 O' clock, thereafter it is alleged that in the night at 1.30 A.M., the informant received a call from Dharmendra Yadav as detailed in the F.I.R., who informed that his son Manish Kumar has been kidnapped by him and they have assaulted him brutally and thus, asked the



informant to come at the place of occurrence or they will throw the boy on the railway line after cutting his body. It is next alleged that the informant arrived at Bhadawar village and saw the five accused persons including the petitioners had assaulted causing injury on the head of the victim and fracture on his hands and legs and the boy was lying unconsciousness.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that it absolutely does not stand to reason that a person, who would kidnap or would commit a crime will call and inform that he has committed the crime and thus, create evidence against himself. It is next submitted that the falsity of the allegation also manifest from the fact that in the F.I.R., one accused Biteshwar Yadav is also named as it has been alleged that the informant saw the accused persons including Biteshwar Yadav committing the crime when Biteshwar Yadav died much earlier to the present occurrence, this amply demonstrates that the informant is not an eye witness to the occurrence and for reason best known to him, he has tried to implicate innocent person. It is next submitted that petitioner no.1 is a senior citizen aged about 70 years and petitioner nos.2 and 3 are 37 and 30 years of age. It is next submitted that the persons, who



were persons with clean antecedent all throughout, all of a sudden, become a criminal by committing such a heinous offence and that too, based on an improbable allegation in view of the submissions made aforesaid.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Chandi P. S. Case No.114 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

**(Satyavrat Verma, J)**

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