

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30977 of 2021

Arising Out of PS. Case No.-333 Year-2020 Thana- KRITYANAND NAGAR District-
Purnia

Arwind Yadav @ Arwind Kumar Yadav, Son Of Bhailu Yadav R/O Village-
Vikrampatti, Kavaia, P.S.- K. Hat (MARANGA), District- Purnea.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Raghuni Rishideo, S/o Late Nazir Rishideo, R/o village- Charaiya Rahika
Godhiyari Tola, Ward No.17, P. S. -K. Nagar, District- Purnia.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen
For the Opposite Party/s : Mr.Aditya Narayan Singh-1
Mr. Bijendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

16 24-08-2023

1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 365, 420 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that petitioner along with Baso Rishidev and
Mangal Rishidev came to his house and Mangal said that he will
get a job for his son (Subodh Rishidev) and he will get a salary
of Rs.6,000/- per month. Accordingly, informant became ready
to send his son. It is next alleged that Mangal is son in-law of



his brother Dhalo Rishidev. It is next alleged that his son for the last five years has not come back and he went to Punjab to search him, but was not able to locate. It is next alleged that he came and met the petitioner, who took him to Punjab again and fled from there and his son till date is missing.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case based on suspicion. It is next submitted that initially, a complaint case was filed on 27.08.2019 and from perusal of the allegation as alleged in the complaint, it would manifest that the complainant himself alleges that the occurrence is of about five years back i.e. the occurrence is of the Year 2014. It is next submitted that thereafter, on 21.10.2020 based on the complaint, the present F.I.R. came to be instituted. The learned counsel next submits that it absolutely does not stand to reason that if the son of the informant was missing since 2014, why the informant did not institute an F.I.R. promptly, which cast an aspersion on the case of the prosecution. It is next submitted that during the course of the investigation, the statement of the informant was recorded wherein he has stated that his three sons namely, Sikandar Rishi, Subodh Rishi and Jitendra Rishi had gone for work along with the accused persons, but Jitendra and Sikandar came back



within a span of 2-5 months and informed him that Subodh is working at Meerut separately. The learned counsel thus submits that when the informant was aware that his son had gone to Meerut as informed by his two other sons, then why the informant concealed the said fact in the F.I.R., which further cast an aspersion on the case of the prosecution. The learned counsel next submits that from perusal of the allegation, it becomes clear that it was Mangal Rishi, who is son in-law of the brother of the informant, who had asked the informant to send his son for working and it was not the petitioner. It is further submitted that the entire allegation hinges around suspicion and the re-statement of the informant clearly goes to demonstrate that his son Subodh was working along with his brother at Meerut, as recorded herein above.

5. Learned A.P.P. along with learned counsel for the informant opposes the bail application, but are not in a position to rebut the submission of the learned counsel for the petitioner that there is an inordinate delay in instituting the F.I.R. and the sons of the informant Sikandar and Jintendra have disclosed that Subodh was also working with them at Meerut.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the



event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea in connection with K. Nagar (Champanagar) P. S. Case No.333 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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