

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48037 of 2022

Arising Out of PS. Case No.-139 Year-2012 Thana- BANKA District- Banka

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MOHAN YADAV S/o Kishan Yadav Resident of Village- Jagatpur, P.s.-
Panjwara, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 68700 of 2022

Arising Out of PS. Case No.-139 Year-2012 Thana- BANKA District- Banka

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SOHAN YADAV Son of Late Kishan Yadav Resident of Village- Jagatpur,
P.S.- Panjwara, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 48037 of 2022)

For the Petitioner/s : Mr.Kumar Sameer

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

(In CRIMINAL MISCELLANEOUS No. 68700 of 2022)

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

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

ORAL ORDER

7 12-04-2023 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioners and

learned APP for the State.

These are applications for regular bail on behalf of



the petitioners for the offences alleged under Section 364 and 120(B) of the Indian Penal Code, registered in connection with Banka (Panjwar) P.S.Case No. 139 of 2012 (Complaint Case No. 285 of 2012).

As per allegation, the petitioners, who were working in Kolkata, took away Rudal Kumar Yadav, the minor son of the complainant/informant to Kolkata. Though there was love affair between the daughter of the petitioner Mohan Yadav and Rudal Kumar Yadav, despite this fact the complainant allowed his son to go to Kolkata along with the petitioners. The victim Rudal Kumar Yadav was reluctant to accompany the petitioners, but at the command of his father, he went there. Thereafter, the son of the complainant became traceless. The complainant has expressed his firm belief that due to love affair between the daughter of the petitioner Mohan Kumar and Rudal Kumar Yadav, the petitioners had kidnapped and concealed the victim boy.

The learned counsel for the petitioners has submitted that they are innocent and have falsely been implicated in this case. The complainant himself had sent his son to Kolkata along with the petitioners, which shows that he had faith on the petitioners. It is submitted further that the investigation has been



completed and even the charges have been framed.

On the other hand, learned APP and the learned counsel for the informant have submitted that though the complaint petition was filed in the year 2012, the victim is still traceless. The petitioners remained absconding for a pretty long period, as such, they are not entitled for privilege of bail. They have drawn my attention towards paragraph nos. 47 and 48 of the case diary, which contains the statement of the witnesses Amarjeet Kumar and Dharamveer Manjhi, respectively. These witnesses are labourers working in Kolkata. On ill-fated day, they went to the rented accommodation of the petitioners and they found the petitioners and Rudal Kumar Yadav present in the room. After a short while, these witnesses went asleep and when their sleep was interrupted, they did not find the petitioners as well as the victim boy. These witnesses found that after bolting the door from outside, the petitioners fled away along with the victim boy. Since then, the victim boy is traceless.

Considering the materials collected during the course of investigation and also keeping in view the fact that the petitioners remained absconding for a pretty long period, in my view, they do not deserve the privilege of bail, which is hereby



rejected.

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

(Nawneet Kumar Pandey, J)

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