

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59704 of 2022

Arising Out of PS. Case No.-493 Year-2022 Thana- LAKHISARAI District- Lakhisarai

1. SHANKAR YADAV SON OF LATE PUNA YADAV R/O VILLAGE- ISLAMNAGAR, POST- ISLAMNAGAR, P.S.- CHANDRADIP, DISTRICT- JAMUI
2. VIPUL KUMAR @ VIPUL YADAV @ V. P. YADAV SON OF SHANKAR YADAV R/O VILLAGE- ISLAMNAGAR, POST- ISLAMNAGAR, P.S.- CHANDRADIP, DISTRICT- JAMUI
3. PRAFUL KUMAR SON OF SHANKAR YADAV R/O VILLAGE- ISLAMNAGAR, POST- ISLAMNAGAR, P.S.- CHANDRADIP, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bikramdeo Pd. Singh, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP
For the Informant	:	Mr. D.K. Sinha, Sr. Advocate
		Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 24-06-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the informant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners have antecedent of one case, but the said case was also instituted by the father of the victim of the present case.



The learned counsel next submits that the informant alleges that her minor daughter was kidnapped by the petitioners. It is further submitted that the girl till date has not come back. It is next submitted that earlier the father of the victim had instituted Chandradip P.S. Case No. 124 of 2021 against the petitioners with the same allegation, but the police after investigation submitted Final Form being Final Form No. 166 of 2021 dated 31.12.2021.

The learned counsel for the petitioners next submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the date of occurrence is 06.02.2022 and the F.I.R. came to be instituted on 11.06.2022 i.e. after a delay of more than four months which further casts an aspersion on the prosecution's case. It is further submitted that during the course of investigation, it has come that one of the relatives of the victim namely Sobha Devi had seen the petitioners kidnapping the victim by a Bolero vehicle. It is thus submitted that if what has come during the course of investigation is true then definitely Sobha Devi would have informed the informant about the same and the said fact would have found mention in the F.I.R. but even the F.I.R. being registered after more than four months of the occurrence does not even remotely suggest that



the informant was informed by Sobha Devi about the occurrence which further creates doubt on the case of the prosecution. However, it is submitted that the petitioners will not abscond rather will co-operate in the investigation and will present themselves as and when required by the Investigating Officer of the case for eliciting the truth.

The learned A.P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners but are not able to rebut the submissions made by the learned counsel for the petitioners that the F.I.R. has been instituted after a delay of more than four months and that earlier in Chandradip P.S. Case No. 124 of 2021, the police after investigation had submitted Final Form and also that Sobha Devi did not disclose about the occurrence to the informant.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where



the case is pending/successor court in connection with Lakhisarai P.S. Case No. 493 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event if the Investigating Officer of the case files an application before the Trial Court bringing to its notice that the petitioners despite giving assurance to this Court are not co-operating in the investigation or are not presenting themselves as and when required, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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