

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58565 of 2022

Arising Out of PS. Case No.-389 Year-2022 Thana- SAHARSA SADAR District- Saharsa

1. ASHOK YADAV S/o Dinesh Yadav
2. PRINSH KUMAR S/o Ashok Yadav
Both R/V- Nandlali Ward no. 3, P.S.- Bihra, Distt- Saharsa.
3. GOLDEN YADAV S/o Shashi Yadav
4. SHASHI YADAV @ SHASHI BHUSHAN YADAV S/o Shridhar Yadav
Both R/V- Mohanpur (Tola- Gasay), P.S.- Bakhtiyarpur (O.P. Baluwa Hat)
Distt- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Saharsa Sadar P.S. Case No.389 of 2022 instituted under
Sections 365, 363/34 of the Indian Penal Code.

As per the prosecution story, the informant alleged
that his 15 years old child was taken away by the named
accused persons and some unknown person and as they failed to
locate him, the FIR alleging kidnapping was made.

Subsequently, the victim boy came back and stated
that he was taken away by the accused persons for getting him
married with the daughter of the petitioner no.1, Ashok Yadav.



Learned counsel for the petitioners submit that the boy came on his own and failed to recognize the accused persons and in that backdrop when they do not have criminal antecedent, they deserve anticipatory bail. The further submission is that the allegation of the informant is that the Ashok Yadav (petitioner no.1) wanted marriage of the victim boy with his daughter and petitioner no.2 is son of Ashok Yadav. So far as petitioner no.3 Golden Yadav and Shashi Yadav @ Shashi Bhushan Yadav (petitioner no.4) are concerned they are distantly related and due to village rivalry, their name have been incorporated in the FIR.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the kind of allegation that has come against the petitioner no.1 and 2 that they wanted the marriage of the minor daughter of petitioner no.1 to minor son of the informant, certainly the same needs condemnation beside rejection of the anticipatory bail petition and accordingly, the relief sought for by petitioner no.1 and 2 stands rejected.

So far as the petitioner no.3 and 4 namely Golden Yadav and Shashi Yadav @ Shashi Bhushan Yadav are concerned, taking into account that they are relatives of Ashok



Yadav although their name have come in the FIR, they do not have criminal antecedent and ultimately will face the trial, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioner no.3 and 4 namely Golden Yadav, Shashi Yadav @ Shashi Bhushan Yadav be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Saharsa Sadar P.S. Case No.389 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Saharsa, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make himself available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;



(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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