

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64157 of 2023

Arising Out of PS. Case No.-1002 Year-2020 Thana- COMPLAINT CASE District- Araria

1. RAMANAND YADAV S/O SUGANLAL YADAV R/O VILLAGE-BOHORA, WARD NO. 09, P.S- SARSI, DISTT.- PURNEA.
2. MITHILESH YADAV S/O RAMANAND YADAV R/O VILLAGE-BOHORA, WARD NO. 09, P.S- SARSI, DISTT.- PURNEA.
3. MUKESH YADAV @ MUKESH KUMAR S/O RAMANAND YADAV R/O VILLAGE- BOHORA, WARD NO. 09, P.S- SARSI, DISTT.- PURNEA.
4. MUNNA YADAV S/O SADANAND YADAV R/O VILLAGE-BASANTPUR, MIRA TAKIES, ARARIA, P.S AND DISTT.- ARARIA.
5. FAZLU YADAV S/O DUKHAN YADAV R/O VILLAGE- KHARAHYA BASTI, ARARIA, P.S AND DISTT.- ARARIA.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. NUTAN DEVI D/O JITENDRA YADAV, W/O RUPESH KUMAR YADAV R/O VILLAGE- GAIYARI, WARD NO. 19, P.S AND DISTT.- ARARIA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-10-2023

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 1002 of 2020 dated 24-08-2020 registered under Sections 147, 323, 384, 363, 364, 341, 365 of the I.P.C.

3. As per the F.I.R. the complainant has alleged that her marriage was solemnized with Rupesh Kumar Yadav about



three years back and out of wedlock a female child was born. It has further been alleged that her husband was residing along with her in her maternal home due to the fact that her husband was being tortured by his father, brothers and others for property. She further alleged that on 18-08-2020 the husband of the complainant came at the her parental home and started living and on 19-08-2020 in the evening the accused persons arrived at the parental home of the complainant and forcibly took her husband on 20-08-2020 in the morning to village Bohora i.e. matrimonial home of the complainant. It has been alleged that husband of the complainant is missing since then. The complaint has been lodged on 24-08-2020

4. Learned counsel for the petitioners submits that petitioners are father and brothers of the deceased. Referring to Annexure- 2, learned counsel submits that dead body of the deceased i.e. son of petitioner no. 1 and brother of other petitioners was recovered about 100 meters away from the house of petitioner no. 1 for which a *fardbyan* was recorded by petitioner no. 1 before the Police on 21-08-2020 alleging therein that the parents of the complainant have killed his son because there was strained relationship of the deceased with his wife and his in-laws family. Zero F.I.R. was registered on 21-08-2020 and



subsequently *vide* Annexure- 3 of this application Araria PS Case No. 114 of 2021 was registered in which the complainant and others have been made accused for the murder of the son of petitioner no. 1. Learned counsel submits that present complaint has been lodged by way of defence by the complainant on the basis of concocted story inasmuch as prior to lodging of the complaint, the *fardbyan* of petitioner no. 1 for killing of his son was already recorded on 21-08-2020.

5. Regard being had to the submission made by the parties, taking into consideration the fact that *fardbyan* of petitioner no. 1 for death of son of petitioner no. 1 and husband of the complainant was recorded prior to lodging of the complaint in which the complainant is one of the accused persons, accordingly, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M. 1, Araria in connection with Complaint Case No. 1002 of 2020 subject to the condition as laid down under Section 438



(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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