

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19975 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- FORBESGANJ District- Araria

Pramukh Yadav, Son Of Sri Shital Yadav, Resident Of Village- Dargahiganj,
PS- Narpatganj, Dist- Araria

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Vaishnavi Singh
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad- A.P.P.
	None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 317-05-2024
1. Heard learned counsel for the petitioner and learned APP for the State.

2. No one appears on behalf of the informant.

3. The petitioner seeks bail in a case registered for the offences punishable under Sections 363 and 365 of the Indian Penal Code, but charge-sheet has been submitted under Sections 363, 365, 302, 201 and 120(B) of the I.P.C.

4. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant based on suspicion as she is not an eye witness to the occurrence. It is further submitted that mother in-law of the informant was having illicit relationship with the petitioner, which was being



objected by her husband i.e. the son was opposing the illicit relationship of his mother with the petitioner. It is further submitted that the informant in the F.I.R. alleges that the mother of the deceased had called five accused persons including the petitioner for dinner, when they came, the mother in-law of the informant forcefully got her son seated in a vehicle along with the accused persons and they took her son away by the car, later the dead body of the deceased was found.

5. The learned counsel for the petitioner submits that it absolutely does not stand to reason that if the mother in-law of the informant had any intention of getting her son abducted and killed, then whether she would have allowed the informant to witness as to who were the accused, who were invited in the house for dinner and committed the occurrence of abduction. It is next submitted that it absolutely defies all logic, wisdom and reasonable criminal behaviour that mother in-law of the informant for getting the occurrence committed would have permitted the informant to witness as to who were the accused persons, who came in the house for committing the occurrence and thus, would have created evidence against herself.

6. It is further submitted that mother in-law of the informant is own aunt (Chachi) of the petitioner and after she



became a widow, the petitioner and his family members were taking care of her and looking after the properties and the husband of the informant was a drunkard. It is further submitted that informant apprehended that her mother in-law may gift the property in favour of the petitioner as her son was a drunkard and the petitioner and his family members were taking care of her. Petitioner is in custody since 31.07.2023.

7. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the bail application and submits that though informant is not an eye witness to the occurrence, but then, she alleges that her husband was taken away by the accused persons including the petitioner, who had come for dinner on invitation of her mother in-law, but then, not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that informant is not an eye witness to the occurrence.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, 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 learned 2nd Additional District & Sessions Judge, Araria in connection with Sessions Trial No.603 of 2023 arising out of Forbisganj P. S.



Case No.244 of 2023.

9. The application stands allowed.

(Satyavrat Verma, J)

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