

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83607 of 2023

Arising Out of PS. Case No.-50 Year-2014 Thana- CHAPRA MUFFASIL District- Saran

1. Ram Chandra Prasad Yadav Son of Dasai Yadav R/o vill - Bangra, P.s. - Muffasil, Distt. - Saran
2. Sita Devi @ Sita Yadav W/o Ram Chandra Yadav R/o vill - Bangra, P.s. - Muffasil, Distt. - Saran
3. Soni Kumari D/o Ram Chandra Prasad Yadav R/o vill - Bangra, P.s. - Muffasil, Distt. - Saran

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Shankar Prasad Yadav
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 26-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304B and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners, being father-in-law, mother-in-law, and married sister-in-law (*Nanad*) of the victim has been falsely implicated in the instant case by the informant. It is next submitted that the informant instituted the instant FIR by alleging that his sister was married to Shashi Kumar, son of petitioner Nos. 1 and 2, on



11-5-2013, but after marriage the victim was being tortured for non-fulfillment of demand of dowry. It is next alleged that the accused persons, including the petitioners, might have killed the victim. The learned counsel submits that what is not in dispute, rather stands admitted is that the victim went missing from her parental home on 23-9-2013, but the informant, instead of instituting an FIR, instituted a complaint case on 20-1-2014, i.e., after more than three months of the victim going missing, based on which, the instant FIR came to be instituted on 25-3-2014. It is further submitted that it absolutely does not stand to reason as to why the informant did not institute an FIR promptly after the victim went missing from her parental home. It is also submitted that no doubt the sister of the informant was married to Shashi Kumar in the year 2013, but then out of the wedlock, no child was born, as she never stayed with her husband. It is further submitted that the informant himself alleges that the victim came back to her parental home on 13-9-2013 from where she went missing on 23-9-2013. It is further submitted that the victim was in love with someone, as such she fled, and the informant, being aware of the fact, did not institute an FIR promptly thinking that the police might recover the victim. It is next submitted that till date there is no trace of the victim, i.e.,



the police could not locate her, nor her dead body has been found, but then, since more than seven years have elapsed, as such presumption in law is that the victim is no more. It is also submitted that it absolutely does not stand to reason that as to why the petitioner would indulge in such an occurrence, as alleged in the FIR, when the informant himself has stated that the victim had come back to her parental home. It is also submitted that during the course of the investigation, the police has recorded that the case is pending investigation against unknown with regard to abduction of the victim. It is next submitted that the petitioner will not abscond, rather will cooperate in the investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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 Muffassil



P.S. Case No. 50 of 2014 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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