

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45422 of 2025

Arising Out of PS. Case No.-946 Year-2023 Thana- MADHEPURA District- Madhepura

Kunkun Yadav S/O Lakhan Yadav R/O Village-Shishwapatti, Ward no 9, PS-
Gwalpara, Distt-Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Narayan Yadav S/O Late Gonar Yadav R/O Village-Durgi Tola,
MURho, ward no. 6, PS-Madhepura(Bharrahi O.P.), Distt-Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 31-10-2025 1. Heard learned counsel for the petitioner and
learned APP for the State, Mr. Chandra Bhushan Prasad.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 363, 366(A), 120(B), 504 and 506 of the Indian Penal
Code.

3. The learned counsel for the petitioner submits that
the case was taken up on 21.07.2025 when notices were issued



on the O.P. No. 2. It is submitted that notices were filed in time. It is next submitted that from perusal of the office report dated 30.10.2025, it would manifest that the same records that the ordinary process notice has been received by the son of the O.P. No. 2. It is next submitted that from perusal of the receiving, it would manifest that the notice was received by the son of the O.P. No. 2 on 24.09.2025, but still no one appears on behalf of the O.P. No. 2.

4. Since notice has been received by the son of the O.P. No. 2, hence, it is deemed to be validly served.

5. The learned counsel for the petitioner next submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant for ulterior reasons. It is next submitted that the date of occurrence is 23.07.2023 and the FIR came to be instituted on 13.09.2023 i.e. after a delay of more than 50 days, which casts an aspersion on the case of the prosecution. It is next submitted that from perusal of the allegations alleged in the FIR, it would manifest that the informant alleges that his minor daughter aged about 16 years disappeared from the house on 23.07.2023 and later he came to know that the accused persons were involved in the occurrence and they got his minor daughter married to Bittu



Kumar who was married from before. It is submitted that petitioner is not related to Bittu, but then is known to him. It is further submitted that victim and Bittu were in love and the victim eloped and thereafter married Bittu, but when his wife started opposing the marriage, the present false case came to be instituted and that perhaps explains why no plausible explanation has been given in the FIR for instituting the FIR after a delay of 50 days. It is also submitted that since informant is aware that petitioner has been falsely implicated in the instant case, as such, has not appeared despite his son receiving notice on his behalf. It is also submitted that similarly situated co-accused Dinesh Prasad Yadav @ Dinesh Yadav and Domi Yadav @ Domi Kumar had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 19748 of 2024 and the same came to be allowed by an order dated 16.04.2024, the case of the petitioner is on a similar footing.

6. The learned APP opposes the anticipatory bail application of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks, 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 the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 946 of 2023, subject to the conditions laid down under Section 482(2) of the BNSS.

8. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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