

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87603 of 2024

Arising Out of PS. Case No.-43 Year-2018 Thana- SAHARSA SADAR District- Saharsa

1. Bhupendra Yadav S/O Uttamlal Yadav Resident of village- Patuaha, PS- Saharsa Sadar, District- Saharsa, Bihar
2. Dharendra Yadav S/O Brhamdeo Yadav Resident of village- Patuaha, PS- Saharsa Sadar, District- Saharsa, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parth Gaurav, Advocate
		Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

6 12-05-2025 The matter has been heard in hybrid mode.

2. Mr. Partha Gaurav, learned counsel for the petitioners has appeared through virtual mode, whereas, learned counsel for the State is present physically in court.

3. Learned counsel for the State submits that a counter affidavit has already been filed through e filing on 01.05.2025, and a copy thereof has been served. Today, a hard copy of the counter affidavit has also been filed in court, which is taken on record.

4. Heard learned counsel for the petitioners and learned A.P.P. for the State.

5. The petitioners seek bail in connection with Saharsa Sadar P.S. Case No. 43 of 2018, dated 15-01-2018, instituted for



the offence punishable under Sections 363, 364, 365 and 120(B) of the Indian Penal Code (hereinafter referred to as the 'IPC').

6. The prosecution case, in short, is that the informant's wife, Sanjana Devi, had gone to the house of her ailing maternal grandmother at village Patuaha but did not return. It is further alleged that his wife often used to go to her maternal grandmother's house and, after staying there at night, she used to return home the next morning. The informant searched for his wife amongst his relatives in Saharsa and Delhi, but her whereabouts could not be ascertained. It is also alleged that her phone has been found switched off.

7. Learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in the present case. There is an unexplained delay of three days in lodging the FIR, and the investigation has not been done properly, and the police have still not been able to find out the wife of the informant. It is further submitted that though the petitioners are ready for their NARCO and brain mapping tests, they are kept in custody without any cogent materials connecting them to the alleged offence. The allegation against the petitioners is vague, inconsistent and lacks sufficient materials to justify prosecution. Further submission is that no



case under Sections 363, 364, 365 and 120B IPC is made out. Petitioner No.1 is a social worker and also holds the post of member of *Panchayat Samiti* in Gram Panchayat, Patuaha, whereas petitioner No.2 is a farmer and he is the nephew of the petitioner no.1. Petitioner no.1 is in judicial custody since 29-08-2024, whereas, petitioner no.2 is in judicial custody since 03-09-2024.

8. A counter-affidavit has been filed on behalf of the State, vehemently opposing the petitioners' prayer for bail. It is submitted that although the petitioners were not named in the initial complaint, their involvement has surfaced during the course of the investigation. This is based on further statements made by the informant, as recorded in paragraph nos. 6 and 96 of the case diary, along with the call details report (CDR) which shows that the last call was made by petitioner No. 1, Bhupendra Yadav, to the mobile phone of the victim, Sanjana Tanti. It is further submitted that the Investigating Officer (I.O.) has obtained the Call Detail Record (C.D.R.) and Customer Application Form (C.A.F.), including the tower location data, of the victim's mobile number 7549069322. From the C.D.R., it was revealed that at about 18:20:09 hours, the victim received a phone call from mobile number 8404989953. This was the last



incoming call recorded on the victim's phone. The tower location of this number at the relevant time was recorded in village Patuaha. It is further submitted that the last known tower location of the I.M.E.I. number associated with the victim's mobile phone was traced to tower no. 20338 at Patel Chowk, Baijnathpur. Thereafter, no further tower location data was available for the said mobile. During the course of the investigation, the Investigating Officer apprehended Ramdev Paswan for interrogation, as reflected from paragraph no. 36 of the case diary. He said he didn't know where Sanjana was, but he admitted that he knew her. Upon being questioned about the mobile number 8404989953, from which the last call to the victim was made, he stated that the number belonged to Bhupendra Yadav, an elected *Panchayat Samiti* Member. He further disclosed his own mobile number to be 9534592350, and stated that he had dropped the victim near her house at around 05:00 PM on 12.01.2018. It is further submitted that the I.O. also obtained the C.D.R. of mobile number 8404989953, which confirmed that a call had indeed been made from this number to the victim's mobile. Thereafter, two additional calls were made by Ramdev Paswan from his number 9534592350 to Bhupendra Yadav's number at about 18:23:32 hours and 18:49:52 hours,



respectively. The tower location for these calls was again traced to village Patuaha. It is further submitted that several witnesses have corroborated the case of the prosecution. It is also submitted that petitioner no.2, Dhirendra Yadav, made a call to victim from his mobile number 7761015322 at 17.46 hrs. on the alleged date of occurrence. It is further submitted that the victim is still traceless and at the time of her abduction, she was about two months' pregnant. It is next submitted that charge-sheet has been filed against co-accused Ramdeo Paswan, who was granted regular bail by this Court on 17.05.2018 in Cr. Misc. No. 21111/2018, on the grounds of having no criminal antecedents. On the contrary, petitioner No. 1, Bhupendra Yadav, has ten criminal cases pending against him, while petitioner No. 2, Dhirendra Yadav, has two criminal cases pending against him. Charge-sheet has been submitted against the petitioner no.1, while, investigation is still going on against petitioner no.2.

9. It appears that the anticipatory bail application of the petitioners was earlier permitted to be withdrawn on 04.07.2023 by a co-ordinate Bench of this Court, still the petitioners did not surrender in the Court below. The petitioner no.1, Bhupendra Yadav, was arrested in connection with Saharsa PS Case No.772 of 2023 on 29.07.2024 and from that case he



was remanded in this case. Similarly, petitioner no.2 also surrendered only on 03.09.2024 after issuance of processes under Section 82 Cr.P.C.

10. Considering the gravity of the offence, the materials on record and the fact that the victim is still traceless coupled with the petitioners' criminal antecedents, I am of the opinion that the petitioners do not deserve bail at this stage. Accordingly, prayer of the petitioners for bail is rejected at this stage.

11. The Trial Court is directed to expedite the trial and take all endeavour to conclude the trial at the earliest, preferably, within a period of nine (09) months from the date of receipt or production of a copy of this order. In the event, the trial is not concluded within the stipulated period, the petitioners shall be at liberty to renew the prayer for bail after the expiry of nine months.

12. Accordingly, the bail application stands rejected.

(Khatim Reza, J)

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