

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49317 of 2014

Arising Out of PS.Case No. -404 Year- 2013 Thana -WAJIRGANJ District- GAYA

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Navlesh Yadav, son of Prabhu Yadav, resident of village – Lakhauan, p.S.
Wazirganj, District Gaya Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan

For the Opposite Party/s : Mr. Pradeep Narayan Kunwar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 03-03-2015

Heard learned counsel for the petitioner and Sri

Pradeep Narayan Kunwar, learned A.P.P.

The petitioner, who is in custody in Wazirganj P.S.
Case No. 404 of 2013 registered for the offence under Section
365 of the Indian Penal Code has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that on perusal of the order of the learned Sessions Judge whereby
prayer for bail of the petitioner was rejected it is evident that both
the parties i.e. informant's side and petitioner's side are on
litigating terms and inimical. He has further raised doubt on the
conduct of the informant and submitted that to the reasons best
known to the informant, informant in the F.I.R. has raised
suspicion against the petitioner and other accused persons.
Moreover, the statement of the victim was recorded after about
eight months from the date when he fled away from the custody

of the accused persons. Thereafter, he in a calculated way has named the petitioner and other as accused.

Learned A.P.P. has opposed the prayer of the petitioner.

However, keeping in view the facts and circumstances, particularly the fact that statement of victim was recorded on 26th April 2014 vide Annexure - 2 to the present petition whereas F.I.R. was lodged on 1.9.2013 and in view of the fact that after few days of his kidnapping he fled away and nothing has been indicated about the reason for making statement under Section 164 Cr.P.C. at such belated stage and also keeping in view the fact that the petitioner and informant's side were on litigating terms as well as in view of the facts and circumstances of the present case, the court is of the view that it is a fit case for directing release of the petitioner on bail.

Accordingly, let the petitioner Navlesh Yadav be enlarged on bail on furnishing bail bond of Rs. 10000 (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Wazirganj P.S. Case No. 404 of 2013.

(Rakesh Kumar, J)

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