

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53735 of 2015**

Arising Out of PS.Case No. -111 Year- 2002 Thana -PALIGANJ District- PATNA

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Ramjee Yadav, Son of Late Baij Nath Yadav, resident of village -  
Nirakhpur, P.S. Paliganj, Distt. – Patna, At Present residing at village -  
Raghunathpur Mathiya, P.S. Ranitalab, Distt. - Patna

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate.

For the Opposite Party/s : Mr. Nirmala Kumari(APP)

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

3 30-01-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Wife of alleged victim has filed written report putting an  
allegation against the accused so named including the petitioner,  
who kidnapped Awadhesh Paswan and Bhagwan Das Yadav.

During course of investigation, it is evident that  
witnesses have stated that accused persons as well as the alleged  
victim, happens to be member of People Liberation Front, the  
banned organization and having rift amongst them, such incidence  
has taken place. However, it is evident from para-43 of the case  
diary that witness Viju Yadav had already disclosed on 23.07.2002  
regarding presence of Awadhesh Paswan and Bhagwan Das  
Yadav, alleged victim had their respective place however, police  
did not rush and care to record their statement. From para-72 dated  
12.09.2002, it is evident that Shanti Devi, younger brother's wife

of Awadhesh Paswan disclosed that alleged victim, after his arrival, had gone to somewhere but with regard to Bhagwan Das Yadav, no such information has been collected.

By referring Annexure-2 and 3 it has been submitted on behalf of the petitioner that other co-accused persons have already been granted bail.

After going through the order dated 18.03.2015 passed in Crl. Misc. No. 1510/2015, Annexure-3, it is evident that there was submission on behalf of the petitioner that both two victims have returned back and on the basis thereof, petitioner was granted bail which, as stated above is not substantiated from the case diary. Further more, from Annexure-2 it is evident that on behalf of the petitioner along with one Shaligram Yadav, Crl. Misc. No. 13089/2014 was filed, which was rejected vide order dated 15.05.2014 and even thereafter presence of the petitioner has been secured on 27.05.2015, that means to say more than a year. This case is of the year 2002 and for want of appearance of other accused persons is still lingering.

Accordingly, prayer for bail of petitioner is rejected. However, if so advised, may renew after framing of charge.

**(Aditya Kumar Trivedi, J.)**

Amit/-

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