

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5776 of 2016

Arising Out of PS.Case No. -92 Year- 2015 Thana -MUNGER MUFFASIL District- MUNGER

1. Indrajeet Yadav
2. Halla Yadav Both Sons of Sikandar Yadav Resident of Village - Heru
Diyara , P.S. Kasim Bazar , District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.743 of 2016

Arising Out of PS.Case No. -92 Year- 2015 Thana -MUNGER MUFFASIL District- MUNGER

1. Pramod Yadav @ Bhopat Yadav Son of Late Dorik Yadav Resident of
village- Heru Diara, P.S.- Kasim Bazar, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.873 of 2016

Arising Out of PS.Case No. -92 Year- 2015 Thana -MUNGER MUFFASIL District- MUNGER

1. Umesh Yadav son of Late Prit Lal Yadav, resident of Heru Diyara, P.s.-
Kasim Bazar, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.58305 of 2015

Arising Out of PS.Case No. -92 Year- 2015 Thana -MUNGER MUFFASIL District- MUNGER

1. Jeevan Yadav Son of Mallik Yaadv R/o Village-Heru Diyara, P.S.-Kasim
Bazar, District-Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.5776 of 2016)

For the Petitioner/s : Mr. Jitendra Nath Tiwary, Advocate
Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar(App),
For the Informant Mr. Indu Bhushan, Adv.

(In Cr.Misc. No.743 of 2016)

For the Petitioner/s : Mr. Jitendra Nath Tiwary

For the Opposite Party/s : Mr. Jyoti Ranjan Jha(App)

(In Cr.Misc. No.873 of 2016)

For the Petitioner/s : Mr. Prashant Sinha, Advocate

For the Opposite Party/s : Mr. Pramod Kr.Pandey(App)

For the Informant Mr. Indu Bhushan, Adv.

(In Cr.Misc. No.58305 of 2015)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

For the Opposite Party/s : Mr. Jyoti Ranjan Jha (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

5 04-04-2016 All the four criminal miscellaneous applications are of the same occurrence and, as such, have been heard together and are being disposed of by passing this common order.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. representing the State.

Petitioners seek bail in connection with Munger Muffasil P.S. Case No. 92 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 363, 364 and 365 of the Indian Penal Code.

Allegedly, Yogendra Yadav told the informant that Gautam Kumar Yadav was caught by the petitioners namely,

Pramod Yadav @ Bhopat Yadav, Indrajeet Yadav, Halla Yadav, Kiro Yadav, Prabhat Mandal and three un-known and thereafter he was taken away towards the Riverine. During investigation the dead body of Gautam Kumar Yadav was recovered and further the name of Umesh Yadav also transpired.

Submission is of false implication and that there is no eye witness of the occurrence, Yogendra Yadav has refused to give his statement under Section 164 Cr.P.C., which is evident from para-12 of the supplementary case diary, during investigation it has come that the deceased was himself a veteran criminal and he was demanding ransom of Rs. 50,000/- from Umesh Yadav and Amla Devi, which is evident from para 39 of the case diary and para-4 of the supplementary case diary. From the postmortem report also it reveals that death was caused later on and not on the alleged date of kidnapping and, as such, the petitioners who are suffering in custody without any legal and tangible material, deserve sympathetic consideration to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that the petitioners have got criminal antecedent and due to their fear, Yogendra Yadav refused to give statement under Section 164 Cr.P.C.. Dolly Kumari, the wife of the deceased has stated the name of Umesh Yadav and Amla Devi as they called

the husband to pay money and, as such, the petitioners do not deserve bail.

In the facts and circumstances stated above, considering that Yogendra Yadav, who is the only eye witness of the alleged kidnapping, has refused to give statement under Section 164 Cr.P.C., which is evident from para 12 of the supplementary case diary, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Vth, Munger in connection with Munger Muffasil P.S. Case No. 92 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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