

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51488 of 2017

Arising Out of PS.Case No. -520 Year- 2015 Thana -NAWADA District- NAWADA

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Sanjay Yadav @ Netajee S/o Late Dukhi Yadav, R/o Village- Basti, P.S.-
Tilaiya , District- Kodarma (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

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

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

5 21-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Nawada Town P.S. Case
No. 520 of 2015 registered under Section 364/34 of the Indian
Penal Code.

Husband of the informant is said to have been
kidnapped by the petitioner and two other accused persons named
in the F.I.R.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. The petitioner
has been falsely implicated in the case. I.O. has reported that co-
accused Sanjay Yadav has passed away preceding to the date of
occurrence while Dharmendra Pandey was in jail at the time of



occurrence. The location of the mobile phone of the victim was found at Phulwarisarif Patna while as per the F.I.R., the victim was at Kodarma at the time of occurrence. The aforesaid aspects of the case rule out the prosecution case. Moreover, the offence is said to be of 08.06.2015 but the complaint petition has been filed after inordinate delay of 22 days without assigning any plausible reason for the said delay. There is no eye witness of the occurrence. There is no specific allegation against the petitioner. The petitioner has been languishing in custody since 22.07.2017.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 520 of 2015.

(Prakash Chandra Jaiswal, J)

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