

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29653 of 2017

Arising Out of PS.Case No. -136 Year- 2016 Thana -JANKINAGAR District- PURNIA

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Kailash Yadav Son of Bindeswari Yadav, Resident of Village-Sanjha, P.S.-
Mirganj, District-purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 21-08-2017 Heard both sides.

The petitioner apprehends his arrest in Jankinagar
P.S. Case No. 136 of 2016 registered for the offences punishable
under Sections 341, 323, 364(A)/34 of the Indian Penal Code.

The informant alleged that his brother Pankaj Kumar
Ravi was going along with Bipin Yadav on his Yamha Motorcycle
to the house of Gyani Yadav. On the way, Diwakar Yadav
assaulted his brother. Bipin Yadav managed to escape and said
that Diwakar Yadav took the brother of the informant.

Learned counsel for the petitioner submits that the
name of the petitioner figured in this case in the confessional
statement of co-accused Mantu Yadav. Save and accept the
confession of the co-accused, there is no evidence against the



petitioner regarding involvement in kidnapping of the brother of the informant. The brother of the informant made his statement under Section 164 of the Cr.P.C. after his recovery but he did not claim to identify the petitioner. The petitioner is not named in the F.I.R. but the victim in his statement stated that Diwakar Yadav, Ravi @ Pintu Yadav, Mantu Yadav and 2- 3 unknown persons caught him and kidnapped on the point of pistol. It appears that Mantu Yadav on being arrested disclosed that the petitioner was also involved in kidnapping the boy, considering the submissions and in the nature of allegations made against the petitioner, I am not inclined to enlarged the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail is rejected.

However, if the petitioner surrenders in the learned court below and seeks regular bail, the same shall be considered on merit without being prejudiced by this order.

(Prabhat Kumar Jha, J)

Devendra/-

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