

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13402 of 2018

Arising Out of PS.Case No. -28 Year- 2017 Thana -NIRMALI District- SUPAUL

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Pradip Yadav @ Pradip Kumar son of Sri Brahmdeo Yadav, Resident of
Village – Kyota-Patti, Rasuar, P.S. – Marauna, District - Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2018 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

This is the second round of litigation. Earlier the prayer for bail of the petitioner was rejected vide order dated 20.11.2017 passed in Cr. Misc. No. 43044 of 2017. Petitioner is languishing in judicial custody since 18.04.2017 in connection with Sessions Trial No. 111 of 2017, G.R. No. 232 of 2017, arising out of Nirmali P.S. Case No. 28 of 2017 registered for the offence punishable under Sections 364(A) and 120(B) of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while his brother, Pradeep Kumar was returning home, the petitioner along with co-accused, Matar Yadav and three unknown persons on gun point kidnapped the brother of the informant and



took him to Nepal and demanded Rs. Twelve lakhs as ransom.

It has been submitted by the learned counsel for the petitioner that both parties were on inimical terms, as the father of the victim indulged in smuggling of ganja from Nepal and since there was money transaction between the two and the same was not paid, a false case of kidnapping has been lodged. He submits that charges have already been framed and the petitioner undertakes to cooperate in the trial on day to day basis. It is further submitted that the said victim has already been recovered.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarge on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st, Supaul in connection with Sessions Trial No. 111 of 2017, G.R. No. 232 of 2017, arising out of Nirmali P.S. Case No. 28 of 2017, subject to the conditions that:

- (1) Both the bailors would be close relative of the petitioner having sufficient immovable property, who will file an



affidavit stating their relationship with the petitioner.

- (2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

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