

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31795 of 2018

Arising Out of PS.Case No. -71 Year- 2017 Thana -WAINA District- NALANDA
(BIHARSHARIFF)

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Binod Yadav, Son of Lal Das Yadav, Resident of Village- Mari, P.S.- Ben
(Waina), Distt- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha

For the Opposite Party/s : Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 12-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Ben
(Waina) Police Station Case No. 71 of 2017 registered for offence
punishable under section 364/34 of the Indian Penal Code.

As per FIR, this petitioner and his family members
took the son of informant from his house on 26.05.2017 on the
pretext of going to Bihar Sharif. When the informant called her
son on mobile, his mobile was found switch off. The informant
has raised suspicion against this petitioner as he was at litigating
term since last one year.



The learned counsel for the petitioner submits that except suspicion of the informant, there is nothing against this petitioner. The offence allegedly took place on 26.05.2017, but FIR has been lodged after one month i.e. on 23.06.2017 without any explanation of delay. This petitioner and his entire family members have been made accused in the present case with false and frivolous allegation. The petitioner is in custody since 15.10.2017 having clean antecedent and so he deserves bail.

The learned Additional Public Prosecutor, on the other hand, opposed the submission.

Considering that no any material has been referred showing complicity of the petitioner in abduction of the son of informant, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-VI, Nalanda in connection with Ben (Waina) Police Station Case No. 71 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as



and when required by the court.

(Sanjay Kumar, J)

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