

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49604 of 2018

Arising Out of PS. Case No.-352 Year-2017 Thana- JAGDISHPUR District- Bhagalpur

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1. Bhim Yadav
 2. Dhananjay Yadav both Sons of Sudhir Yadav, R/o vill.-
Yadubansh Nagar Bharat Khand, P.S.- Parbatta, District-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Sakir Ahmad

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 20-09-2018 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with Jagdishpur Goradih P.S. Case No. 352 of 2017 registered under Sections 365, 366, 302, 201 and 120(B) of the Indian Penal Code.

Accused Rupesh Kumar is said to have committed kidnapping of the cousin of the informant, namely, Minki Kumari on the motorcycle with intention to marry with her. During the course of investigation, one Prahlad Yadav was apprehended and on the basis of confession of said Prahlad Yadav, alleged mortal remains and one motorcycle was



recovered. For DNA test of said mortal remains, blood sample of mother of the victim was taken, but the DNA report is still awaited. Said Prahlad Yadav in his confessional statement, named the petitioners as his accomplice in the occurrence.

It is submitted by learned counsel for the petitioners that the petitioners are not named in the FIR. They have no concern with the aforesaid occurrence. There is nothing on the record indicating the complicity of the petitioners in the occurrence, barring confessional statement of co-accused, which has no evidentiary value in the eye of law. The seized motorcycle is not hailing to the petitioners. There is no eye witness of the occurrence. Petitioners have been languishing in custody since 28.11.2017.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing 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 1st, Bhagalpur in connection with Jagdishpur Goradih P.S. Case No. 352 of 2017.

(Prakash Chandra Jaiswal, J)

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