

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26225 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- BHARGAMA District- Araria

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PARMANAND YADAV Son of Kamal Yadav Resident of Village - Bhaiya
Ram, Bishanpura, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
22.12.2018 in connection with Bhargama P.S. Case No. 257 of
2018, G.R. No. 3307 of 2018 for offences punishable under
Sections 363, 365/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that he works in Delhi and his wife and two children stay along
with his father in the village. On 15.10.2018, he received
information from his father that the wife of the informant along
with daughter Seema Kumari is missing. From local people, it
was gathered that the petitioner was moving around the house



for sometime and when the informant went to the house of the petitioner, he was not found there and his father was abused and thrown out of the house.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and the statement of the victim lady and the daughter under 164 Cr.P.C. which is Annexure-2 of the present application reveals that no overt act has been committed by the petitioner and only allegation being that while the informant's wife and daughter was on the way to Delhi, the petitioner took them and confined them for sometime and also took out some money from the ATM of the wife of the informant. He further submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since nearly five months.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, period of custody and that the charge-sheet has already been submitted coupled with the fact that the petitioner does not bear any criminal antecedent, let the petitioner above named 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, Araria in connection with Bhargama P.S. Case No. 257 of 2018, G.R. No. 3307 of 2018, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his 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)

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