

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7724 of 2020**

Arising Out of PS. Case No.-392 Year-2018 Thana- DAUDNAGAR District- Aurangabad

AYUSH @ AYUSH KUMAR @ KAMLESH YADAV, Son of Sri Vishundeo Yadav @ Visunadev Yadav, Resident of Village - Datu Bihga, P.S.- Deo, Distt - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      01-06-2020      The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 26.11.2018 in a case which was initially registered for the offences punishable under Sections 365,34 of the Indian Penal Code. Subsequently, Sections 302, 201, 120B of the Indian Penal Code were also added.

The prosecution case, as per the written report of Urmila Devi submitted before the SHO, Daudnagar Police Station is to the effect that on 13.11.2018, on the eve of Chhath festival, the family of the informant was returning on a tractor from the embankment of the nearby river along with his son Harshit Prakash @ Mona, but on the way his some of the



the friends along with co-accused, Dablu Kumar asked him to get down from the tractor and thereafter the son of the informant went traceless. Subsequently his mobile was also found switched off . The informant raised suspicion against six accused persons and one unknown namely, Dablu Kumar, Aryan Kumar @ Kanhai, Kundan Kumar, Bablu Kumar, Sujit Kumar, Ankit Kumar. The name of the petitioner sprang up during investigation when it transpired that the victim Harshit Prakash had illicit relationship with the wife of the petitioner and subsequently the petitioner made his confession.

It is submitted by learned counsel for the petitioner that the specific accusation of taking away the victim from the tractor is against, the FIR named accused persons. The petitioner is not named in the FIR. Subsequently, the name of the petitioner sprang up on the basis of suspicion. It is further submitted that there is no eye witness to the occurrence and confession has been made by police forcibly which did not lead to any recovery. It is further submitted that apart from the present case, the petitioner is accused in two other cases, but he is on bail in those cases.

Learned APP for the State submits that the petitioner's name sprang up during investigation and he has



made confession and there is strong circumstantial evidence against him.

Considering the fact that the accusation is based on circumstantial nature of evidence, the investigation has already been concluded and the specific accusation of taking away the victim is against the other FIR named accused persons, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge-X, Aurangabad , in Sessions Trial No.116 of 2019/106 of 2019 arising out of Daudnagar P.S. Case No.392 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned



Additional Sessions Judge-X, Aurangabad , in Sessions Trial  
No.116 of 2019/106 of 2019 arising out of Daudnagar P.S. Case  
No.392 of 2018.

The learned Court below is at liberty to further  
extend the period of provisional bail if the lock down is not  
over in next three months.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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