

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15711 of 2020

Arising Out of PS. Case No.-168 Year-2019 Thana- DELHA District- Gaya

RAJNATH YADAV, aged about 20 years (Male), Son of Chamari Yadav
Resident of Village - Gangti Dhibri, P.S.- Men, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 06-07-2020 Heard learned counsel for the petitioner as well as
learned A.P.P.

This case has been registered under section 364A/34 of the Indian Penal Code against Nawal Yadav and Yogendra Kumar Yadav and others (unknown) against whom an allegation has been attributed at the end of the informant that they have kidnapped Kunal Kumar @ Rahul and further, abductors demanded ransom.

From the case diary, para-7 and onward, it is evident that both F.I.R. named accused were apprehended alongwith the victim on 25.6.2019 itself. It is further evident that the statement of the victim was recorded under section 164 Cr.P.C. on 2.7.2019, that means to say after about 7 days without any explanation, wherein the victim had also identified the petitioner



as one of the member, being younger brother of Yogendra Yadav, who was apprehended at the spot. It is further evident that the aforesaid Nawal Yadav and Yogendra Yadav moved regular bail under B.P.No. 1443/2019, and were allowed bail on 1.8.2019 by the court of Addl. Sessions Judge I, Gaya. The sole ground for grant of bail was that the matter was compromised amongst the parties and to substantiate the same, the informant was present. Later on, when the prayer for bail of the petitioner has been moved, the same was also transferred to the court of 1st Addl. District and Sessions Judge, who rejected the prayer on 1.2.2020 and the ground has been apart from merit of the case, learned Presiding Officer found signature of the informant missing over the compromise petition while from Annexure-3 it is evident that the signature of the victim Kunal Kumar @ Rahul is there.

The District and Sessions Judge, Gaya could endeavour that there should be proper yardstick applied in a particular case otherwise, there would be acrimony. Learned District and Sessions Judge will communicate that the direction so given hereinabove has properly been adhered to.

In the facts and circumstances of the case, the petitioner Rajnath Yadav is directed to be released 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 A.C.J.M.VII, Gaya in Delha P.S.Case No. 168/2019.

(Aditya Kumar Trivedi, J)

Surendra/-

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