

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32341 of 2020

Arising Out of PS. Case No.-21 Year-2020 Thana- GOGRI District- Khagaria

SONU KUMAR @ SONU YADAV S/o Gunsagar Yadav, Resident of Goreya
Bathan, Police Station-Gogri, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-12-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Gogri P.S. Case No.21 of 2020
registered under Sections 364, 506 and 34 of the IPC.

The informant (wife of Niranjana Yadav) alleged that
on 18.01.2020 at about 10:00 p.m. her husband went outside his
house for passing urine but after five minute Niranjana Yadav
(husband of the informant) raised alarm. When the informant
came out, she saw six persons, namely, Manohar Yadav, Sanjay
Yadav, Sogarath Yadav, Esbi Yadav, Kripal Yadav and Manipal
Yadav kidnapping his husband at the point of firearm and they
took the husband of the informant towards Assam Road, N.H.
31.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. For the first time the name



of the petitioner surfaced in the case in the statements of Kishore Yadav and Anmol Yadav recorded in para 33 and 34 of the case-diary and they disclosed that at the instance of the petitioner, the husband of the informant was kidnapped by the accused persons. It is further submitted that on such, a raid was conducted and the petitioner was apprehended with co-accused Abhimanya Yadav and arms and ammunition are said to have been recovered from possession of the petitioner. Co-accused Ranjeet Yadav was apprehended and he is said to have confessed his guilt. The informant is the eye witnesses but the informant has not seen the petitioner kidnapping her husband. The witnesses, namely, Kishore Yadav and Anmol Yadav, who got recorded their statements in para 33 and 34 of the case-diary, are not the eye witnesses of the occurrence. They talked about a conspiracy but there is no material to show that the petitioner hatched any conspiracy to kidnap Niranjana Yadav (husband of the informant). The petitioner has got no manner of concern with Manohar Yadav.

Taking into consideration the facts that the petitioner is not named in the F.I.R. and the name of the petitioner surfaced in the case during the course of investigation, that too, after many days of the occurrence and the fact that the witnesses



talked about a conspiracy but there is no material to show that the petitioner hatched any conspiracy to kidnap Niranjana Yadav (husband of the informant), the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria in connection with Gogri P.S. Case No.21 of 2020.

(Prabhat Kumar Jha, J)

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