

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11434 of 2020

Arising Out of PS. Case No.-641 Year-2019 Thana- KHAGARIA District- Khagaria

1. Prabhat Kumar @ Prabhat Yadav Son of Late Makeshwar Yadav Resident of Village - Hira Tola, P.S. - Sahebpur Kamal, District - Begusarai.
2. Vikash Yadav Son of Satyanarayan Yadav @ Santo Yadav Resident of Village - Usari, P.S. - Gogari, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rai Mukesh Sharma

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6. 05-01-2021 At the outset, learned counsel for petitioners informs that during pendency of this bail application, petitioner no. 1 namely Prabhat Kumar @ Prabhat Yadav has already been arrested and as such, this petition has become infructuous, so far as petitioner no. 1 is concerned.

Accordingly, the bail application stands dismissed as withdrawn so far as petitioner no. 1 is concerned.

The petitioner no. 2 (Vikash Yadav) apprehends his arrest in Khagaria P.S. Case No. 641 of 2019 registered for the offence under Sections 364, 120(B)/34 of the Indian Penal Code.

As per the FIR, on 16-08-2019, father of the



informant Devan Yadav was kidnapped and was taken to *Rawer Diyara* and through mobile, a communication was received by the informant that his father has been kept at *Basa* of petitioner no. 2, where other accused persons are planning to commit murder of his father.

It is submitted on behalf of petitioner that specific allegation is against Prabhat Kumar (petitioner no. 1) and 4-5 other accused persons and only allegation against petitioner no. 2 is that father of the informant was kept in his *Basa*, where other accused were planning to kill informant's father. It is further submitted that due to land dispute between the parties, petitioner no.2 has been falsely implicated in this case.

However, learned A.P.P. for the State has vehemently opposed the bail application and submitted that father of the informant, in his statement recorded under Section 164 of the Cr.P.C., has fully supported the prosecution case.

Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of petitioner no. 2 is rejected.

(Prabhat Kumar Singh, J.)

anay/-

U		T	
---	--	---	--

