

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24423 of 2021**

Arising Out of PS. Case No.-923 Year-2018 Thana- JAHANABAD District- Jehanabad

Om Prakash @ Barhu Yadav, S/O Bindeshwar Yadav, R/O Village Khairuchak
Mathiya, PS Shakurabad, District-Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Adv.

For the Opposite Party/s : Md.Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 23-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 364(A) of the Indian Penal Code.

Allegation against the petitioner in association of other accused persons is said to have kidnapped the husband of the informant and demanded ransom money of Rupees Ten Lakhs.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. On the basis of confessional statement of co-accused, namely Satyendra Kumar, petitioner has been made accused in this case. There is no specific overt act against the petitioner. The petitioner is languishing in judicial custody since 27.08.2019. The petitioner has got 07 criminal antecedents which is mentioned in para 3 of the bail petition. The co-accused has been granted regular bail by a co-ordinate Bench of this Court vide order dated 22.04.2019 passed in Cr. Misc. No.25062/2019 and another similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 05.03.2020 passed in Cr. Misc. No.66656/2019 as (Annexure-2 Series) of the bail application.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Jehanabad P.S. Case No. 923/2018 to the



satisfaction of learned Court below where the case is pending/
successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) that the petitioner will mark his attendance in the local police station in first week of every month till



conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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