

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32805 of 2021

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

MAHIPAL YADAV S/O ARJUN YADAV R/o village- Shishba, P.S.- Gogari,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh- Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Gogari P.
S. Case No.21 of 2020, instituted for the offences under
Sections 364, 506/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 01.10.2020 and charge-sheet has
been submitted in this case.

The learned counsel for the petitioner further submits
that from perusal of the allegation as alleged in the F.I.R., it
would manifest that Sunita Devi alleges that petitioner along
with 5 others kidnapped her husband and the informant claimed
to be an eye witness of the kidnapping and for the reasons,
occurrence is alleged to be that Sanni Kumar son of the



informant was married with Sundar Kumari daughter of Manohar Yadav, one of the main accused in the F.I.R.

Learned counsel for the petitioner submits that Manohar Yadav one of the co-accused instituted Gogri P. S. Case No.378 of 2019 against Sanni Kumar son of the informant and Niranjana Kumar husband of the informant for kidnapping his minor daughter. Since Manohar Yadav had instituted the aforesaid case against the husband of the informant. As such, the present false case came to be instituted wherein the informant alleges to be an eye witness to the occurrence.

Learned counsel for the petitioner further submits that since the informant was knowing the accused persons from before but as her son married the daughter of one of the accused as aforesaid. As such, the accused would not have committed the occurrence at the risk of getting identified. Learned counsel for the petitioner further submits that what purpose would be served by kidnapping the victim when the son of the victim already married the daughter of Manohar Yadav. Learned counsel further submits that the victim has concealed himself evading arrest in Gogri P. S. Case No. 378 of 2019.

Co-accused Sanjay Yadav and Eshvi Yadav have been granted bail by order dated 13.09.2021 in Cr. Misc. No.11367 of



2021.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 01.10.2020 and charge-sheet has been submitted in this case and co-accused have been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Ankita Jaiswal, learned Judicial Magistrate, 1st Class, Khagaria in connection with Gogri P. S. Case No.21 of 2020, subject to condition that one of the bailors should be close relative of the petitioner and if petitioner, when the trial commences, does not appear before the Court below on two consecutive dates without any plausible reason, the learned Court below shall be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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