

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34186 of 2021

Arising out of
CRIMINAL MISCELLANEOUS No. 19914 of 2020

Arising Out of PS. Case No.-218 Year-2019 Thana- HUSSAINGANJ District- Siwan

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Dhananjay Yadav, Gender-Male, aged about 26 years, Son of Late Bindeshwari Yadav, Resident of Village Chhapiya Khurd Tola Daroga Hata, PS Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Advocate
For the State	:	Mr. Md. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Javed Aslam, learned counsel for the petitioner and Mr. Md. Mustaque Alam, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Hussainganj PS Case No. 218 of 2019 dated 24.07.2019, instituted under Sections 363 of the Indian Penal Code to which later on Section 364 of the Indian Penal Code was added.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment and order dated 21.08.2020 passed in Cr. Misc. No. 19914 of 2020.



5. The allegation against the petitioner is of abducting the 13 years old son of the informant, who has still not been recovered.

6. Learned counsel for the petitioner submitted that the matter has been considered on merit as noted in the last order of rejection. However, it was submitted that later, co-accused Avinash Kumar Yadav has been granted bail by a co-ordinate Bench by order dated 25.03.2021 passed in Cr. Misc. No. 1165 of 2021. It was also contended that the chargesheet has been submitted and the petitioner is in custody since 26.06.2020.

7. Learned APP submitted that no fresh ground or mitigating circumstances have been canvassed before the Court which may merit reconsideration of the prayer for bail. It was submitted that the case of the petitioner stands on a very different footing to that of co-accused Avinash Kumar Yadav, as the petitioner had direct motive to commit the crime since the daughter of the informant with whom he was in love was married to another person and further, that he had called up from three mobile phones to inform that he had kidnapped the son of the informant for that reason. Further, it was submitted that the Court has considered everything in detail in the last order of rejection. Moreover, it was submitted that besides the case of co-accused



Avinash Kumar Yadav standing on a different footing than that of the petitioner, the order rejecting the bail of the petitioner dated 21.08.2020 passed in Cr. Misc. No. 19914 of 2020 was not brought to the notice of the co-ordinate Bench on 25.03.2021.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of there being no fresh ground or mitigating circumstances to merit reconsideration of the prayer, and also there being strong indication of the involvement of the petitioner in the crime and till date, the 13 years old minor son of the informant being traceless, the Court is not inclined to allow the prayer for bail.

9. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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