

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36633 of 2021

Arising Out of PS. Case No.-237 Year-2019 Thana- KISHUNPUR District- Supaul

FOOLO YADAV @ NAVIN KUMAR YADAV Son of Ramcharitra Yadav @
Ram Charitr Yadav Resident of Village - Barahatha, P.S. - Kishanpur, District
- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2021

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 201, 302, 364/34 of the Indian Penal Code.

As per the prosecution case, the son of informant was accused in a case and due to that fear he went to Punjab 6-7 months ago. On 12.10.2019, he talked on phone that he came at Supaul and till evening he will reach at home as on 14.10.2019 the court is opening and he will surrender in court and get bail. He reached at his home at 7.30 PM. After reaching home Manoj Mehta and Chandeshwari Mehta came at his home and took him outside the house where from before one Safari vehicle and three motor cycles were standing. Thereafter, they forcibly sat him in the vehicle. On hulla raised by him, the informant and others went there and identified Brajesh Kumar @ Baiju Yadav, Bhupendra Yadav, Ashok Yadav, Dinesh Kumar Yadav, Madan Yadav, Fullo Yadav, this petitioner, having gun and rifle were sitting in the vehicle and three-three persons were riding on motor cycle out of them two persons, namely, Arun Mehta and



Sushil Mehta have also been identified by the informant. All the accused persons kidnapped his son for the purpose of murder. The informant suspected that accused persons might have killed his son and thrown his dead body.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. Though the FIR was registered u/s 364/34 of the IPC but subsequently cognizance has been taken u/s 302, 364/34 of the IPC. It is submitted that no specific overt act has been alleged against this petitioner and there is general and omnibus allegation of kidnapping against all the FIR named accused persons. During the course of investigation the wife of deceased named only co-accused Baiju Yadav. Similarly situated accused Chandeshwari Yadav, Bhupendra Yadav, Ashok Yadav, Arun Mehta and Dinesh Kumar have already been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 12.11.2020 passed in Cr. Misc. No. 25187/2020. Co-accused Manoj Mehta has also been granted bail by a co-ordinate Bench of this court vide order dated 03.02.2021 passed in Cr. Misc. No. 9065/2021. Petitioner claims clean antecedent and is in custody since 02.03.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in connection with Kishanpur PS case No. 237/2019 on the following



conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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