

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2309 of 2021**

Arising Out of PS. Case No.-105 Year-2002 Thana- CHOUTARWA District- West
Champaran

=====

LALDHAR YADAV Son of Late Khichdi Yadav Resident of Village- Alkh
dwari, Chandraha Rupwaliya, P.S.- Bathwariya, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Pramod Kr. Pandey

=====

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

3 09-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Vide order dated 09.03.2021, a report was called from the
learned trial court regarding the stage of trial.

In this regard, a report has been submitted by learned
Additional Sessions Judge- I/C- 2nd, Bagha, West Champaran,
kept at Flag 'R' stating that the charge has been framed against
the petitioner, summon has been issued to the witnesses and the
Presiding Officer has transferred on 05.01.2021, hence, no
progress is made in the trial.

The petitioner seeks bail in connection with S.Tr. No.91
of 2020 arising out of Chautarwa (Bathwariya) P.S. Case
No.105/02 registered for the offence punishable under Section



364(A) of the Indian Penal Code.

The prosecution case in short is that while the son of the informant and one other were returning home from the Market, some miscreant armed with arms and ammunition came there and stopped both of them, kidnapped them.

It is submitted by learned counsel for the petitioner that the present case is of the year 2002, lodged against unknown. Petitioner is not named in the F.I.R. His name transpired in the case in course of investigation. It is submitted that as per para-66 of the case diary, statement of the victim was recorded, who disclosed that the incident was done as per direction of one Radha Yadav. The petitioner is languishing in custody since 22.12.2018.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and the report submitted at Flag 'R', the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below, where the case is pending, in connection with S.Tr. No.91 of 2020 arising out of Chautarwa (Bathwariya) P.S. Case No.105/02, subject to the following conditions:



(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

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

(Anjani Kumar Sharan, J)

pallavi/-

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

