

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36907 of 2020**

Arising Out of PS. Case No.-327 Year-2019 Thana- SAHEBPUR KAMAL
District- Begusarai

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Hitlar Yadav @ Praduman Yadav Son of Prabhakar Yadav Resident of
Village- Raghunathpur, P.S.- Sahebpur Kamal, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Ram Sumiran Rai, Advocate
For the State	:	Mr. Rabindra Kumar, APP
For the Informant	:	Mr. Tarkeshwar Prasad Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 05-03-2021 Heard learned counsel for the petitioner and learned

APP for the State. Learned counsel for the petitioner has filed an
undertaking to remove all defects pointed out by the Stamp
Reporter as and when required. It is accordingly directed that all
defects pointed out by the Stamp Reporter be removed within
one month hereof.

2. The petitioner is in custody since 17.06.2020 in
connection with Sahebpur Kamal P.S. Case No. 327 of 2019, G.R.
No. 3881 of 2019 for the offences alleged under Sections 363 and
365 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely
implicated in connection with alleged kidnapping of Pawan
Yadav. It is submitted that the prosecution story is not



sustainable in view of the contrary stand in the fardbeyan wherein in the first part it is stated that the so-called victim left home after informing his wife that he was going to Jalkar, whereas in the latter part it is alleged that four accused persons called Pawan Yadav and took him away his home. It is submitted that except suspicion, there is no objective material to connect the petitioner with the alleged occurrence. It is further submitted that there is also no material to support the claim that Pawan Yadav had lent an amount of Rs. 21,000/- to the petitioner. The petitioner has already suffered more than eight months in custody, and claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant appears and has been heard.

5. A perusal of paragraph nos. 6, 7 and 8 of the case diary containing statement of the mother, brother and wife of Pawan Yadav who have however not supported the allegation in the F.I.R. that four persons had called Pawan Yadav and taken him away.

6. Be that as it may and having regard to the period of custody already suffered since 17.06.2020, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 327 of 2019,



G.R. No. 3881 of 2019, if he is not otherwise required in any other case.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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