

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38676 of 2020

Arising Out of PS. Case No.-161 Year-2019 Thana- KUTUMBA District- Aurangabad

1. Dharmendra Yadav S/o Rajnath Yadav R/o village- Phulwaria, P.S.- Pakri, District- Balia (U.P.)
2. Deepak Yadav S/o Hare Krishna Yadav R/o village- Sahras Pali, P.S.- Kotwali, District- Balia (U.P.)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Opposite Party	:	Ms Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 08-09-2021 Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioners and Ms Indu Kumari Srivastava, learned Additional Public Prosecutor for the State.

The petitioners have renewed their prayer for bail in connection with Sessions Trial No. 69/20/73/20 arising out of Kutumba P.S. Case No. 161 of 2019 registered under Section 364/34 of the Indian Penal Code. Their prayer for bail was earlier rejected by this Court vide order dated 19.03.2020 passed in Cr.Misc. No. 8457 of 2020.

It is submitted by the learned senior counsel for the petitioners that a co-accused, namely, Birchand Mahto has already been granted bail by another Bench of this Court vide order dated 05.06.2020 passed in Cr.Misc. No. 6644 of 2020. It



is further contended that the petitioners are in jail since 02.11.2019 and after framing of charge, no witness has been examined during trial.

On the other hand, learned counsel appearing for the State submitted that the case of the petitioners stands on a different footing than that of Birchand Mahto, who has been granted bail. She contended that the husband of the informant was forcibly kidnapped and confined in a room and during investigation the victim was recovered and the petitioners were arrested. She contended that the victim identified the petitioners in the Test Identification Parade. She stated that the victim also stated in his statement before the police that he was kidnapped for ransom and the petitioners were amongst the persons involved in his kidnapping.

Having regard to the gravity of the offence and the materials against the petitioners, I am not inclined to grant them bail. The prayer for bail is rejected once again.

(Ashwani Kumar Singh, J)

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