

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5366 of 2021

Arising Out of PS. Case No.-641 Year-2019 Thana- KHAGARIA District- Khagaria

PRABHAT KUMAR @ PRABHAT YADAV S/o Shri Makeshwar Yadav R/o
village- Heera Tol, P.S.- Sahebpur Kamaal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Khagaria P.S. Case no. 641 of 2019 registered under sections 364, 120B and 34 of the Indian Penal Code.

As per allegation in the F.I.R., the father of the informant was kidnapped by Prabhat Kumar, with assistance of the other four named accused persons. It is stated that at night his father informed by calling from mobile phone that he had been kidnapped and the accused persons were making a plan to kill him. It is stated that the cause of occurrence is the land dispute between the parties.



It is submitted by learned counsel for the petitioner that the allegation as levelled in the F.I.R. are false and concocted. The cause of false implication is the land dispute which finds mention in the F.I.R. For an occurrence alleged to have taken place on 16.8.2019, information was given to the police station only on 17.8.2019 at 11:05 am and immediately thereafter, the alleged victim i.e. father of the informant returned. Referring to his injury report, it is submitted that no injury was found, the father of the informant having complained only of pain in right hand and palm. The petitioner is in custody since 18.9.2020 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the material that has transpired in course of investigation with respect to land dispute between the parties, the contents of the injury report, father of the informant having returned only a couple of hours after lodging of the F.I.R. and the petitioner having remained in custody since 18.9.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Khagaria



P.S. Case no. 641 of 2019 on furnishing bail bond of Rs.10,000/
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Chief Judicial Magistrate,
Khagaria.

(Partha Sarthy, J)

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