

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7063 of 2021**

Arising Out of PS. Case No.-154 Year-2020 Thana- DHANARUA District- Patna

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Dharmendra Yadav @ Devendra Kumar @ Dharvendar Yadav Son of Shri Dungal Singh @ Dungal Yadav Resident of Village - Doman Bigha, P.S.- Dhanarua, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-04-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shailendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Dhanarua P.S. Case No. 154 of 2020 registered for the offences punishable under Sections 363, 365/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant alleged that on 13.04.2020, when his son had gone to a shop of a co-villager to buy



something, he was allegedly surrounded by seven named accused persons including this petitioner and they took him away on their motorcycle. It is further alleged that when co-villagers came to save his son, the accused persons resorted to firing and they fled away taking away the son of the informant. It is also alleged that the son of the informant had been forced to perform marriage with the daughter of one Vinod Prasad.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that though the petitioner has been named among seven named accused persons who had participated in kidnapping of the victim boy but the victim boy has returned and there is no allegation against the petitioner of causing any harm to the victim boy. The petitioner is in jail since 16.08.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is said to be one of the 7 named accused persons who had participated in the kidnapping of the victim boy but the victim boy has returned and he has stated that he was got married to the daughter of co-accused Vinod Prasad,



so far as this petitioner is concerned there is no allegation that he has caused any harm to the victim boy, the petitioner has otherwise no criminal antecedent and he has remained in jail in connection with the present case since 16.08.2020, investigation against him is complete and there is no submission of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna, in connection with Dhanarua P.S. Case No. 154 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

