

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10875 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- JAIPUR District- Banka

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BUTAN YADAV Son of Ramjit Yadav Resident of Village - Patlikha, P.S. -
Jaipur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 17-10-2022 The present matter has been listed under the heading
“To Be Mentioned.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Jaipur
P.S. Case No. 53 of 2021 registered for the offences punishable
under Sections 364/34 of the Indian Penal Code.

As per prosecution case, petitioner and others are
alleged to have kidnapped the informant’s husband in order to
commit murder.

Learned counsel for the petitioner submits that
petitioner is in custody since 11.01.2022 and bears no criminal



antecedent. He further submits that petitioner has falsely been implicated in the case due to dirty village politics. There is no specific allegation against the petitioner rather the same is general and omnibus in nature. There is land dispute between the parties due to which petitioner has been dragged in this case. He further submits that victim was recovered and his statement under Section 164 Cr.P.C. was recorded in which he has not named any person involved in the case. He further submits that similarly situated co-accused Shyam Kumar has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 4588 of 2022.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, similarly situated co-accused has been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Banka in connection with Jaipur P.S. Case



No. 53 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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