

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71372 of 2021

Arising Out of PS. Case No.-140 Year-2021 Thana- KISHUNPUR District- Supaul

BALRAM YADAV S/o Chhutahru Yadav Resident of Village- Murli, P.S.-
Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 4290 of 2022

Arising Out of PS. Case No.-140 Year-2021 Thana- KISHUNPUR District- Supaul

BIPIN YADAV SON OF LATE JAYKANT YADAV Resident of Village -
Murli Ward No.06, P.s.- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 16744 of 2022

Arising Out of PS. Case No.-140 Year-2021 Thana- KISHUNPUR District- Supaul

RADHESHYAM YADAV Son of Late Jay Kant Yadav Resident of Village -
Murli , Ward no.05, P.s.- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 71372 of 2021)
For the Petitioner/s : Mr. D.K. Sinha (Sr. Adv.)
Mr. Kumar Goutam
Mr. Alexander
For the Opposite Party/s : Mr. Anil Kumar
(In CRIMINAL MISCELLANEOUS No. 4290 of 2022)
For the Petitioner/s : Mr. Naresh Kumar Mehta
For the Opposite Party/s : Mr. Jagdhar Prasad
(In CRIMINAL MISCELLANEOUS No. 16744 of 2022)
For the Petitioner/s : Mr. Naresh Kumar Mehta
For the Opposite Party/s : Mr. Uday Pratap Singh



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 19-12-2022 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with Kishanpur P.S. Case No. 140 of 2021, registered for the offences punishable under Sections 363, 366, 341, 323, 380, 307, 504, 506 and 34 of the Indian Penal Code.

The prosecution case as emerging from the FIR is that alleged 16 years old victim, namely, Ranjan Kumari was kidnapped by the accused persons, including the petitioners with intent to get her married with Ansh Kumar Yadav.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submit that the only allegation against the petitioners is that they have kidnapped and they wanted that the alleged victim should marry accused Ansh Kumar Yadav. They also submit that investigation in this case is complete and charge-sheet has been submitted and even charge is framed and trial is going on.

The petitioners have been languishing in jail since



16.09.2021, 20.09.2021 and 31.10.2021 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner no. 1, namely, Balram yadav has earlier been made accused in one more case, namely, Kishanpur P.S. Case No. 05 of 2021 whereas the petitioner namely, Bipin Yadav and Radheshyam Yadav have no criminal antecedents..

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. C.J.M., Supaul in connection with Kishanpur P.S. Case No. 140 of 2021 on the following conditions:

(i) The petitioners will make themselves available



for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of



the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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