

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32461 of 2021

Arising Out of PS. Case No.-78 Year-2017 Thana- ADHAOURA District- Kaimur (Bhabua)

Hari Yadav S/o- Ram Prasad Yadav Resident of Village- Dhansa, P.S.-
Nauhatta, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Adhaura P.S.
Case No. 78 of 2017 registered for the offences punishable
under Sections 365 of the Indian Penal Code.

According to prosecution case, on the basis of
fardbeyan of Shiv Kant Singh, the Adhaura P.S. Case No. 78 of
2017, was registered on 03.11.2017, against two unknown
persons. The informant alleged in his F.I.R. that the informant
was working in New Primary School, Pipra as a teacher. When



he was returning to his house then he was kidnapped by two unknown persons on point of arms and he was taken in the forest. The informant further alleged that he was sleeping in the river and thereafter he fled away from the custody of the kidnappers.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case and petitioner is not named in the F.I.R. He further submits that he was remanded in this case only on the basis of confessional statement of two witnesses which was recorded by the police in very belated stage, who surfaced the name of the petitioner. He further submits that as per F.I.R. the date of occurrence is 01.11.2017 and the present F.I.R. was lodged on 03.11.2017 without any explanation of delay. He further submits that similarly situated, co-accused, namely, Awadh Lal Yadav @ Bhulani has been granted bail by a co-ordinate Bench of this Court vide order dated 03.06.2020 passed in Cr. Misc. No. 16895 of 2020. The petitioner is in custody since 09.07.2019.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail, submitting that petitioner carries eight criminal antecedents.



Considering the aforesaid facts and circumstances, let the petitioner as well as period of custody, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Kaimur at Bhabua in connection with Adhaura P.S. Case No. 78 of 2017, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

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