

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31417 of 2021

Arising Out of PS. Case No.-629 Year-2004 Thana- BETTIAH CITY District- West
Champaran

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BRIJHAN YADAV S/o Late Guljar Yadav Resident of Village- Chaumukha,
P.S.- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr. Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 21-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 193 of 2012, arising out of Bettiah Town
Police Station Case No. 629 of 2004, registered for the offences
punishable under Sections 365 of the Indian Penal Code.

The prosecution case, as per the First Information
Report lodged by the informant/complainant Perwej Alam, who
is a veterinary doctor, is that on the pretext of treatment of a she-
buffalo, the accused persons kidnapped the informant and his
friend for ransom, however, they anyhow managed to escape
from the custody of the accused persons after ten days. The
name of the petitioner has transpired in course of investigation.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case without any material against him collected during course of investigation. He further submits that the petitioner is in custody since 30.01.2012, i.e. for about ten years, but the trial has not reached to its logical conclusion.

This Court, vide order, dated 15.12.2021, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 5th Additional Sessions Judge, West Champaran, at Bettiah, and from perusal of the same, it would be evident that none of the charge sheet witness has been examined as yet on behalf of the prosecution.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has remained in custody for more than ten years and not even a single chargesheeted witness has been examined as yet, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, after framing of charge, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of learned 5th Additional Sessions Judge, West Champaran, at Bettiah, in connection with Sessions Trial No. 193 of 2012, arising out of Bettiah Town Police Station Case No. 629 of 2004.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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