

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33822 of 2021

Arising Out of PS. Case No.-670 Year-2019 Thana- AMARPUR District- Banka

Chandan Yadav, S/O Bodhya Narayan Yadav, R/o village- Dhanichak, P.S.-
Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh, Advocate
For the Opposite Party/s : Md. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

7 29-04-2022 The applicant/accused in Crime No. 670 of 2019 registered with Amarpur Police Station for the offences punishable under Section 364 r/w Section 34 of the Indian Penal Code and later on Sections 301 and 201 r/w Section 34 of the Indian Penal Code has been added, by this application is seeking his release on bail during pendency of the trial.

The learned counsel for the applicant argued that first informant Roushan Kumar in his FIR lodged on 22.12.2019 has alleged abduction of his younger brother Ritesh Kumar Kasera from his tea stall after 8.30 P.M. on 22.12.2019. He further argued that the FIR mentions that on the basis of the information, first informant Roushan Kumar came to know that his brother Ritesh Kumar Kasera (since deceased) is abducted by Ravi Kumar, Shakti Yadav, Md. Irshad @ Chhuni Lal,



applicant Chandan Yadav and others. It is further argued that after two or three days, dead body of Ritesh Kumar Kasera was found. It is further submitted that the name of the applicant is not taken by witnesses Meena Devi and Madan Sah, who happens to be mother and uncle of deceased Ritesh Kumar Kasera. They are the eye witnesses of the fact that accused Ravi Kumar and Shakti Yadav took deceased Ritesh Kumar Kasera with them at about 9 P.M. of 22.12.2019. The learned counsel for the applicant further argued that except suspicion against the applicant narrated in the FIR by first informant Roushan Kuamr there is no evidence to connect the applicant with the crime in question.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious and apart from named accused persons three or four unknown accused persons were also there.

I have considered the submissions so advanced and also perused the materials placed before me.

The FIR is lodged by Roushan Kumar alleging abduction of his brother Ritesh Kumar Kasera. Subsequently, Ritesh Kumar Kasera was found to be murdered and his dead body was traced out. Postmortem report shows that he was



done to death by firing a bullet.

First informant brother, who is not an eye witness to abduction of deceased Ritesh Kumar Kasera had named the present applicant along with other co-accused on the basis of information received by him from neighbouring shop owners. However charge sheet is not reflecting the fact that other neighbouring shop owners have noticed abduction of Ritesh Kumar Kasera by the present applicant. Even witnesses Mena Devi and Madan Sah who had seen abduction of the deceased had not named the present applicant as the persons who had taken Ritesh Kumar Kasera.

Considering this nature of the evidence against the applicant/accused, his further pretrial detention is not warranted. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 670 of 2019 registered with Amarpur Police Station be released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the



facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

U		T	
---	--	---	--

