

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26453 of 2022

Arising Out of PS. Case No.-286 Year-2018 Thana- PATRAKARNAGAR District- Patna

KAMLESH YADAV Son of Lalan Yadav Resident of Village - Mahadah, P.S.-
Buxar Muffassil, Distt.- Buxar, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26612 of 2022

Arising Out of PS. Case No.-286 Year-2018 Thana- PATRAKARNAGAR District- Patna

SURENDRA YADAV @ SURENDRA PRATAP SINGH Son of Lalan Yadav
Resident of Village - Mahadah, P.S.- Buxar Muffasil, Distt.-Buxar (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26453 of 2022)

For the Petitioner/s : Mr.Nikesh Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 26612 of 2022)

For the Petitioner/s : Mr.Nikesh Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2022 Learned counsel for the petitioners is permitted to

remove the defect (s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State in both the

applications.



The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 307, 365 & 363/34 of the Indian Penal Code.

The prosecution case, in short, is that the petitioners along with other accused persons are said to have kidnapped the informant from Patna by gagging his mouth and after administering liquor left free in Buxar on the following day.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. Further submits that it appears from the FIR that the petitioners are named in the FIR but there is no allegation of any assault or overt-act against these petitioners and the FIR has been instituted after delay of 21 days without giving any explanation of delay. Further submits that no cogent material has come during investigation against these petitioners and the similarly situated several co-accused person, namely, Vikash Kumar Singh @ Vikash Singh has been granted privilege of anticipatory bail vide order dated 02.05.2019 passed in Cr. Misc. No.28164 of 2019 (Annexure-2) and co-accused persons namely, Ram Chandra Singh and Vinod Yadav have also been granted privilege of anticipatory bail vide order dated 06.03.2020 passed in Cr. Misc. No.3404 of 2020 (Annexure-3)



to this bail petition by different Coordinate Benches of this Hon'ble Court. The case of the petitioners is on similar footing.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the present FIR has been instituted in the year 2018 and the petitioners have approached this Court for grant of anticipatory bail in the year 2022 after delay of four years without giving any explanation of delay. Further submits that during investigation it has come that the petitioners are involved in the present occurrence and there is material during investigation against these petitioners. Further submits that petitioner Kamlesh Yadav carries six more cases and petitioner Surendra Yadav @ Surendra Pratap Singh carries one more case other than the present one.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Patrakar Nagar P.S. Case No. 286 of 2018, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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