

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38721 of 2021

Arising Out of PS. Case No.-404 Year-2013 Thana- WAJIRGANJ District- Gaya

1. Umesh Yadav @ Umesh Kumar Singh S/O Jagdish Yadav R/O Village-Lakhauan, P.S.- Wazirganj, District-Gaya.
2. Kumar Chandra Bhanu Pratap @ Pratap Yadav S/O Ram Pravesh Yadav @ Ram Pravesh Prasad R/O Village-Lakhauan, P.S.- Wazirganj, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioners apprehend their arrest in connection with
Wazirganj P.S. Case No.404 of 2013, registered for the offence
punishable under Section 365 of the Indian Penal Code.

The petitioners are said to have kidnapped one
Shambhu Yadav.

Learned counsel for the petitioners submits that the
petitioners are innocent and they have falsely been implicated in
the present case. It is further submitted that the petitioners are
not named in the FIR. The petitioners have been made accused
in the instant case on the basis of the statement of the victim



recorded under Section 164 Cr.P.C. It is also submitted that there is land dispute between the parties and the statement of the victim was recorded under Section 164 Cr.P.C. after lapse of seven months. It is lastly submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Perused the records of the case and the statement of the victim recorded under Section 164 Cr.P.C. Learned counsel for the petitioners stated in paragraph-7 of the bail application that “when after getting down from the tampoo was going to his village on footing in the meantime (i) Rajesh Yadav (ii) Nawlesh Yadav (iii) Prabhu Yadav (iv) Rampravesh Yadav (v) Pratap Yadav put in Boloro and thereafter giving pulli on his eye and Naresh Yadav, Ram Pravesh Yadav banded the nose of the victim from the cloth in the meantime he became unconscious when he awaked up and cried and nocked the door was opened by unknown persons with knife then he made request for to trine when he came out from bathroom then he saw that Umesh Singh was sitting on a chair and thereafter they were carrying anywhere in the meantime he saw 10-12 bags were present on a



truck were carried in the meantime he said to stop the truck for latrine and he went to jungle and fled away and in the morning he came out from the jungle and he came to Wazirganj through the truck and thereafter he reached his house.”

Taking into consideration the facts and circumstances of the case, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Gaya in connection with Wazirganj P.S. Case No.404 of 2013, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

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