

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34002 of 2022

Arising Out of PS. Case No.-162 Year-2019 Thana- SAUR BAZAR District- Saharsa

JATA SHANKAR YADAV S/o Late Medni Yadav R/o Village- Kamaljari,
P.S.- Sourbazar, (Patarghat O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-10-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in the virtual Court proceeding.

The petitioner seeks bail in a case registered for the offence under Sections 363,365,34 of the Indian Penal Code.

The prosecution case, in brief, is that one Ram Bahadur Yadav submitted a written report to the S.H.O. of Sourbazar (Patarghat O.P.) Police Station with an allegation that his son Ashok Yadav went to his Sasural on 20.03.2019 through his motorcycle but he could not return till six days and on contact through mobile which was found switched off and thereafter the informant started search but no trace and the



informant suspected that all the FIR named accused persons including the petitioner kidnapped him in conspired manner with his vehicle.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact the mobile of the informant's son was recovered from possession of one Anil Kumar who is not named in the FIR. Almost all the accused persons have been granted privilege of bail by different Coordinate Benches of this Hon'ble Court. Further submits that, during investigation, no cogent material has come against the petitioner and the co-accused persons namely Ranvir Yadav @ Priyansu Raj has been granted bail vide order dated 08.01.2021 passed in Cr. Misc.No. 30503 of 2020 another co-accused person namely, Anil Kumar has been granted bail vide order dated 04.06.2020 passed in Cr.Misc.No.84470 of 2019 another co-accused person namely Pintu Yadav @ Sagar has also been granted bail vide order dated 05.02.2020 passed in Cr.Misc. No.7376 of 2020 by different Coordinate Bench of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.03.2022.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one .

Considering the fact and circumstances of the case, let the petitioner, 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 learned Court Below where the case is pending in connection with Saur Bazar P.S. (Patarghat O.P.) Case No.162 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her 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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