

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34355 of 2022

Arising Out of PS. Case No.-153 Year-2020 Thana- KAHALGAON District- Bhagalpur

Subhash Yadav S/o Bhola Yadav Resident of Village- Ekchhari, Khawaspur,
P.S.- Ekchhari, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.

For the Opposite Party/s : Mr. A.G., APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
S.T. No 451 of 2021 arising out of Kahalgoan Shivnarayanpur
P.S. Case No. 153 of 2020 lodged under Sections 363/365 of the
Indian Penal Code.

As per the prosecution case, the brother of the
informant has went to station and upon return, he with one
Chiku Yadav returned to the house but instead of returning to
the house, he became trace-less. Therefore, case of kidnapping
has been lodged.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no crime. He is not named in the F.I.R. He further submits that his name has been figured in this case by the virtue of confessional statement of the co-accused. He further submits that the other co-accused Chandan Kumar, whose case similarly situated has been granted bail by the co-ordinate bench of this Court vide order dated 29.07.2021 passed in Cr. Misc. No. 11985 of 2021. He further submits that petitioner is in custody since 26.02.2021 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned IVth Additional District and Sessions Judge, Bhagalpur in connection with Kahalgoan Shivnarayanpur P.S. Case No. 153 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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