

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44565 of 2021**

Arising Out of PS. Case No.-146 Year-2019 Thana- BISHWAMBHARPUR District-
Gopalganj

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1. RAM NATH YADAV S/o Janki Yadav Resident of Village- Mishrabali, P.S.- Kushi Nagar, District- Kushi8 Nagar, At present - Tanrpar, P.S.- Bishambharpur, District- Gopalganj.
 2. Jitu Yadav S/o Harilal Yadav Resident of Village- Mishrabali, P.S.- Kushi Nagar, District- Kushi8 Nagar, At present - Tanrpar, P.S.- Bishambharpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 07-04-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bishambharpur P.S. Case no. 146 of 2019 instituted for the offence punishable under Sections 341, 323, 363A of the Indian Penal Code.

Prosecution case relates to abduction of minor son of the informant, aged about sixteen years old. After his recovery, his statement has got been recorded under Section 164 Cr.P.C. wherein he has made allegation against the petitioners that



Badshah Yadav had taken away him by administering him intoxicated material due to which he become unconscious and after regaining sense, he found himself in a house, where petitioner no. 1 was present and he has further alleged that it was the petitioner no. 1, who has handed him over to petitioner no. 2, who forced him to work in a liquor shop as a labor.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Victim boy has himself returned to his house. It appears from his statement, recorded under Section 164 cr.p.c., that there was no intention to kidnap the victim boy rather victim boy went to Delhi with co-accused Badsah Yadav in search of job. Allegation of administering intoxicated material is against co-accused Badshah Yadav and not against the petitioner. During investigation, not even a single independent witness has supported the prosecution case.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a



period of four weeks from today and in the event of their arrest or surrender in connection with Bishambharpur P.S. Case no. 146/2019, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Gopalganj subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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