

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46145 of 2021

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

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Badshah Yadav Son Of Late Komal Yadav Resident Of Village - Tandpar,
P.S.- Vishambharpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar- Advocate
For the Opposite Party/s : Mr. Rabindra Kumar- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Vishambharpur P. S. Case No.146 of 2019, instituted for the
offences under Sections 341, 323, 363(A) of the Indian Penal
Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 08.12.2020, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the present F.I.R. arises out of a complaint case. The learned
counsel for the petitioner submits that the informant/



complainant alleges that her son (victim) was kidnapped by the accused persons on 06.07.2019. Further from accused Ram Nath Yadav's mobile, the victim called, but the informant could not pick-up the phone. Next day when the informant called on the said mobile of Ram Nath Yadav, he informed that victim is at his place and further that the petitioner and Jiut Yadav have taken the victim to Delhi and till date, the victim is not traceable.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The victim on his own volition had left for Delhi and he was working there. The learned counsel further submits that the date of occurrence is 06.07.2019 and the complaint case came to be filed on 12.08.2019 and thereafter, the present F.I.R. came to be instituted on 11.11.2019. The learned counsel submits that had the son of the informant been kidnapped, then the informant would have promptly instituted an F.I.R., but since the informant was aware about the whereabouts of her son, as such, in order to falsely implicate, instituted the complaint case being Complaint Case No. R-1821 of 2019 dated 12.08.2019.

The learned counsel for the petitioner further submits that after institution of the present F.I.R., the victim also



returned and he in his statement under Section 164 of the Cr.P.C. had stated that he was going to aunt's place when on the train he met the petitioner, who gave tea to drink and after drinking, he became unconscious and thereafter, he was taken to Delhi where he was working in a shop and later he came back.

The learned counsel thus submits that from bare perusal of the statement of the victim, it would manifest that he had gone to Delhi for working, but since he had left the house without informing his parents, as such, in his statement under Section 164 Cr.P.C. implicated the petitioner and others. The learned counsel further submits that it absolutely does not stand to reason that as to why Ram Nath Yadav would have allowed the victim to call from his mobile for informing the informant about his kidnapping. It is submitted that since the victim was going to Delhi, as such, Ram Nath Yadav allowed the victim to make a call from his mobile. It is thus submitted that no kidnapper would implicate himself by leading evidence in the manner it has been alleged in the present F.I.R.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and taking into consideration the



submission made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Gopalganj in connection with Vishambharpur P. S. Case No.146 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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