

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49846 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- SAKRI District- Madhubani

1. AJAY YADAV Son of Munni Lal Yadav Resident of Village - Dahavra, P.S.- Manigachhi, Distt.- Darbhanga.
2. BARUN KUMAR YADAV Son of Ramshankar Yadav Resident of Village - Dahavra, P.S.- Manigachhi, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Raj, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-03-2022 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under section 365 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

As per the prosecution case, three accused persons including the two petitioners herein made an attempt to forcibly kidnap the 15 year old daughter of the informant but were unsuccessful and were caught.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case.



Even as per the allegation in the FIR as also the material that has transpired in course of investigation, it was co-accused Anshu Kumar Mandal @ Chhotu who was carrying the weapon and no allegations have been leveled against the petitioners. The petitioners are in custody since 19.2.2021 and charge sheet has been submitted in the case. They undertake to cooperate in the trial.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation specially the statement of the minor daughter of the informant under section 164 Cr.P.C wherein she categorically states that all the three accused persons including the two petitioners herein made an attempt to forcibly kidnap her but were unsuccessful and were caught at the place of occurrence, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

(Partha Sarthy, J)

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