

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54848 of 2021

Arising Out of PS. Case No.-11 Year-2020 Thana- ANTICHAK District- Bhagalpur

Rupesh @ Rupa Yadav @ Rupesh Yadav @ Rupa, S/O Late Gholtan Yadav,
R/o Village- Rani Diyara, P.S- Buddhuchak, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Antichak P.S. Case No. 11 of 2020 for the offences under Sections 341, 323, 364, 365/34 of the Indian Penal Code.

The prosecution case is that there was a feast organized in the house of one Jhunki Mahant on 05.03.2021 on the death of wife of one Panchanand Yadav. At about 3 'o' clock, the husband of the informant went to Chandani Chowk and he was talking with Panchanand, in the meantime all four named accused persons including the petitioner came on the



motorcycle and they all started assaulting her husband and thereafter forcefully took away.

It is submitted on behalf of the learned counsel for the petitioner that prior to the institution of this F.I.R. one of the relative of the informant had earlier kidnapped and killed the brother of this petitioner, in which this petitioner is one of the witness and for the said occurrence Kahalgaon (Shivnarayanpur) P.S. case no. 153 of 2020 has been registered and this case has nothing but a pressure tactics.

It is further submitted that the victim was recovered just on the next day of the alleged occurrence and his statement has been recorded under Section 164 of the Cr.P.C. In his statement, the victim has stated that the accused persons forcefully took away him and thereafter in the entire night he was kept hostaged and in the morning he was left. It is next submitted on behalf of the learned counsel for the petitioner that the petitioner is in custody since 05.03.2021 and charge-sheet has already been submitted and there is no chance of absconding and tampering with the evidence.

On the other hand, learned APP for the State submitted that the petitioner has also been found accused in two other cases and there is allegation of kidnapping against this petitioner.



Taking into consideration the statement of the victim recorded under Section 164 and the same has been brought on record vide Annexure-3 to this application wherein he has stated that in the next morning of the occurrence he has been left by the accused and this petitioner is languishing in jail since 05.03.2021, let the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Bhagalpur in connection with Antichak P.S. Case No. 11 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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