

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51605 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- MOUZA HIDPUR District- Bhagalpur

MANNA YADAV S/o- LATE RAJENDRA YADAV Resident of Sakullachak,
P.S.- Mojahidpur (Babarganj), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner seeks regular bail in connection with
Mojahhidpur (Babarganj) PS Case No. 39 / 2020 registered for
the offence under Sections 364 (A) / 120 (B) , 34 of the IPC
corresponding to Sessions Trial No. 188 / 2020.

As per the First Information Report the son of the
informant was kidnapped by the petitioner along with one
Chandan Poddar. It has further been alleged that call was made
by the informant's son who said that the kidnappers are
demanding Rs. 10 Lakhs.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case due to previous enmity inasmuch as both the petitioner and the informant are close door neighbours. He further submits that from perusal of the FIR it would be evident that informant's son was in jail along with the petitioner and due to previous difference and dispute petitioner along with others have falsely been implicated in this case on the basis of a concocted story. He further submits that the co-accused / Chandan Poddar having similar allegation has been granted bail by a Bench of this Court *vide* Cr. Misc. No. 40919 / 2020 (Annexure- 2 to the bail petition).

On the other hand, learned counsel for the State referring to the statement of the victim recorded under Section 164 of the Cr.P.C. submits that the victim has specifically stated that he was kidnapped, kept in a hutment from where he escaped. The petitioner is having criminal antecedent also.

Regard being had to the submissions made by the parties, taking into consideration the fact that petitioner is neighbour of the informant, petitioner as well as victim were in jail earlier and the co-accused has been granted bail, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on



regular bail on furnishing bail bond of Rs. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 10th Additional District & Sessions Judge, Bhagalpur in connection with Mojahidpur (Babarganj) PS Case No. 39 / 2020, Sessions Case No. 188 / 2020 on the following condition:-

(a) In view of the fact that the trial in the case has commenced, it is directed that the petitioner shall co-operate in the trial and in case the learned court below is of the opinion that the trial is being delayed because of non-cooperation on part of the petitioner, the learned court below shall be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial

(Anil Kumar Sinha, J)

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