

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54975 of 2021

Arising Out of PS. Case No.-642 Year-2020 Thana- LAKHISARAI District- Lakhisarai

GORE LAL YADAV Son of Dinesh Yadav Resident of Village - Avagil,
Hussaina, P.S. - Medni Chowki, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-08-2022 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 Mr. Sanjeev Kumar, learned counsel for the petitioner as well as Mr. Raj Ballabh Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Lakhisarai (Kabaiya) P. S. Case No. 642 of 2020 registered for the offences punishable under Sections 364 (A), 379 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 19.12.2020 at 09:00 A.M. his cousin Manish Kumar @ Vikash Kumar came at his house and told that while he was going along



with Sudhir Sao, in the meantime, four persons came on a Scorpio vehicle and forcefully kidnapped and took away them in the vehicle, however, later on, Manish Kumar @ Vikash Kumar was allowed by them to get off from the vehicle and the accused persons including the petitioner took away Sudhir Sao. It is further alleged that the accused person demanded Rs. 70,00,000/- from Sudhir Sao and threatened him dire consequences.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that there was a dispute on account of some property dealing, which resulted into the lodging of the present F.I.R. It is further submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that it prima facie shows that Sudhir Sao was known to the petitioner and Raushan Kumar and the informant has disclosed that there was an agreement between Sudhir Sao and co-accused Raushan Kumar for Rs. 30,00,000/- and Sudhir Sao was a property dealer. Learned counsel for the petitioner further submitted that in order to coerce the petitioner into the submission that he does not demand his money back, the informant has falsely roped the petitioner in the present case. It is next submitted that during the



course of investigation, the victim Sudhir Sao has been recovered from Diara and his statement has been recorded under Section 164 of the Cr.P.C. wherein he denies any allegation of demand of ransom. It is also submitted that one of co-accused persons, namely, Raushan Kumar having identical allegation and in fact, the entire allegation revolves around Raushan Kumar with whom there was money transaction and motive for kidnapping, he has been allowed anticipatory bail by learned co-ordinate Bench of this Hon'ble court in Cr. Misc. No. 36469 of 2021 vide order dated 27.06.2022.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation that the petitioner along with other co-accused persons have kidnapped the victim Sudhir Sao and also made demand of ransom and moreover, the victim has been recovered from the clutches of the petitioner and other accused persons in Diara belt. It is next submitted that the petitioner has multiple criminal antecedent.

In response to the aforesaid submissions, learned counsel for the petitioner submits that the petitioner is on bail in all the cases.

Having considered the submissions made on behalf



of the parties and taking into account the fact that co-accused person namely, Raushan Kumar, having identical allegation has already been granted bail by learned co-ordinate Bench of the Hon'ble Court and further the victim is not supported the allegation of any demand of ransom and moreover, this petitioner is in custody since 22.07.2021, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) P. S. Case No. 642 of 2020, subject to the condition that one of the bailors will be the close relative 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.

- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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