

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 49291 of 2022**

Arising Out of PS. Case No.-393 Year-2022 Thana- BANKA District- Banka

=====

BABULAL YADAV Son of Kumeshwar Yadav Resident of Village - Sonari,
P.s.- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr Praveen Kumar, Advocate

For the Opposite Party/s : Mr Mohammed Arif, APP

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Banka Police Station (for
brevity, **PS**) Case No 393 of 2022 registered for the offence
punishable under Sections 364, 379/34 of Indian Penal Code.

Six miscreants, including the petitioner, have
allegedly obstructed the Bolero vehicle in which the informant,
along with others, was moving. They have assaulted the
passengers and looted their wallets and mobile phones. The
informant has further alleged that the petitioner was also
coercing him to pay Rs 20 lakhs as ransom to secure his release.

It is submitted by the learned counsel for the



petitioner that from the First Information Report, it is apparent that the informant has been allowed to go on the same day after a short while of allegedly being kidnapped. The allegation of demand of ransom, therefore, is clearly false and based on extraneous consideration. The petitioner has been implicated merely based on the confessional statement of co-accused Pankaj Kumar and Bablu Yadav with whom, it is stated that he is on inimical terms from before. Petitioner has not been put on Test Identification Parade and has no criminal antecedent. He is in custody since 20.06.2022.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in Banka PS Case No 393 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

