

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62974 of 2021**

Arising Out of PS. Case No.-34 Year-2016 Thana- DELHA District- Gaya

1. Yashwant Kumar @ Jaswant Kumar Son Of Late Alakh Ram Resident Of Village - Tekari Janan Bigha, P.S.- Tekari, District - Gaya (Bihar)
2. Vicky Kumar Son Of Late Vijay Prasad Resident Of Village - Muhalla - Gulab Bag, P.S.- Kotwali, District - Gaya (Bihar).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Leelawati Kumari

For the Opposite Party/s : Mr. Rajiv Nayan

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      14-07-2022                      Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 363, 364, 365, 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his son Niranjana Kumar was kidnapped on 23.02.2016 for which a Sanha was also registered in the concerned Police Station for missing of his son. It is next alleged that informant started searching his son and subsequently, he got a call on his mobile from the mobile of his



son upon which, the informant along with some villager arrived at village Rauna and found his son standing in front of the accused Ram Nandan Ram. It is next alleged that accused Raj Kumar Prasad was apprehended. It is next alleged that Raj Kumar Prasad disclosed that accused/ petitioners took the victim to village Rauna by a tempo after packing him in a sack and on alarm being raised by the driver of the aforesaid tempo, the matter was disclosed.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that Raj Kumar Prasad and the victim were fast friend and the victim always used to visit the house of the co-accused. It is next submitted that the occurrence took place on 23.02.2016 and the F.I.R. was lodged on 25.02.2016. It is also submitted that the statement of the victim was recorded under Section 164 of the Cr.P.C. and his statement recorded under Section 164 of the Cr.P.C., he has not taken the name of the petitioner regarding kidnapping and their involvement in the alleged occurrence. It is next submitted that during the course of investigation, it has also come that since victim was friend of Raj Kumar Prasad, as such, he used to visit the house and developed illicit relationship with his sister and when Raj



Kumar Prasad came to know about the said relationship, he objected on account of which, the present false case came to be instituted.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Delha P. S. Case No.34 of 2016, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

**(Satyavrat Verma, J)**

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