

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67793 of 2021**

Arising Out of PS. Case No.-866 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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VIJAY YADAV Son of Late Bhola Yadav Resident of village - Parbatiya Tola,
P.S. - Bettiah Muffasil, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Upendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 15-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Bettiah

City P.S. Case No. 866 of 2017 registered for the offence under

Sections 365, 364, 302, 201 and 120(B) of the Indian Penal

Code.

The accused/petitioner is not named in the F.I.R. and

is in custody since 29.07.2021.

The allegation against the petitioner is to kidnap the

brother of informant, who murdered subsequently.

Learned counsel appearing on behalf of the petitioner



submitted that the name of this petitioner surfaced on the basis of confessional statement of co-accused, Abhinash Kumar, where in furtherance thereof, no incriminating surfaced/recovered during the course of investigation, which may connect petitioner, *prima facie*, with present set of occurrence. It is further submitted that the said accused, Abhinash Kumar Yadav has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 30735 of 2019 vide order dated 20.06.2019. It is also submitted that this is an admitted position that at the time of the occurrence, this petitioner was in judicial custody and, as such, the maximum allegation, what appears, is of conspiracy for which no substantive evidence collected during the course of investigation. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as nothing surfaced/recovered to connect this petitioner, *prima facie*, with alleged occurrence of kidnapping and murder



coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bettiah City P.S. Case No. 866 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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