

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67760 of 2021

Arising Out of PS. Case No.-117 Year-2019 Thana- MADHEPURA District- Madhepura

Ram Babu Yadav Son of Shiv Mangal Yadav R/o Village - Mirzapur, Ward
No.- 08, P.S.- Barauli, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 364(A)/34 of the Indian Penal Code.

According to prosecution case, as per the informant is that on 31.01.2019 some one called on the informant's mobile from mobile number of the informant's son Robins Kumar @ Rohit Kumar aged about 15 years and told the informant that his son has been kidnapped and demanded extortion money to the tune of Rs.5,00,000/- and he also threatened the informant that



if he will inform the police then his son will be killed. It is stated by the informant that his son used to go for tuition at college chowk and state bank road and as such he suspected that his son's abduction could have been committed between 9 a.m. to 3.53 p.m.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Vinod Kumar @ Vinod Kumar Yadav. He further submits that during course of investigation the victim boy has been recovered by the police and his statement has been recorded under section 164 Cr.P.C. but in his statement the victim boy has nowhere stated that the petitioner ever demanded any extortion money and he only stated that the petitioner is the driver of the vehicle in question. He further submits that similarly situated, co-accused, namely, Vinod Kumar @ Vinod Kumar Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 27.09.2019 passed in Cr. Misc. No. 29489 of 2019 and another co-accused namely, Dipak Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 08.05.2019 passed



in Cr. Misc. No. 30201 of 2019. The petitioner is in custody since 27.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Madhepura P.S. Case No. 117 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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