

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9851 of 2023

Arising Out of PS. Case No.-32 Year-2022 Thana- SUIYA District- Banka

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1. ROUSHAN YADAV Son of Bhasho Yadav R/v- Kala, P.S.- Laxmipur, District- Jamui
 2. DAMO YADAV @ GAUTAM YADAV @ DAMO Son of Roushan Yadav R/v- Kala, P.S.- Laxmipur, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-06-2023 Heard learned counsel appearing on behalf of the parties.

The petitioners seek bail in connection with Suiya P.S. Case No.32 of 2022 registered for the offence under Sections 364(a), 365 and 120B of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 01.11.2022.

The allegation against petitioners is to kidnap the brother of informant and also his wife along with other co-accused persons, while they visited nearby Suiya Bazar on 04.03.2022, in the background of land dispute.

Learned counsel appearing on behalf of the petitioners



submitted that both petitioners were falsely implicated with present case, as there was land dispute between the parties. It is pointed out by learned counsel that implication is purely on the basis of suspicion as per FIR, where, apparently informant is not the eye-witness of the occurrence. It is submitted that after recovery of victims, statement of both of victims were recorded under Section 164 of the Cr.P.C., where, victim nothing stated incriminatory against both petitioners, rather not even named them. While concluding the argument, it is submitted that petitioners are men of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of kidnapping is not available against both petitioners, as per statement of victims, as recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already submitted, where, petitioners are in custody since 01.11.2022, let both petitioners, above named, are directed to be released on bail in connection with Suiya P.S. Case No.32



of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Banka/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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