

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17655 of 2023

Arising Out of PS. Case No.-485 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

Ashok Kumar Yadav @ Ashok Yadav Son of Dipnarayan Yadav R/V-
Bampali, P.S-Udwanthnagar, Dist- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 18.10.2022, in connection with Udwanthnagar P.S. Case No. 485 of 2022, F.I.R. dated 14.10.2022 registered for the offences punishable under Sections 363, 365 of the Indian Penal Code and later on Sections 302 and 201 of the Indian Penal Code were added.

3. As per prosecution case, the informant alleges that his son Daya Kumar aged about 12 years has been abducted by two other co-accused persons while he went to get the examination to his cousin.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits the petitioner



is not named in the F.I.R. and even in the restatement, informant has not named the petitioner and the name of the petitioner has been transpired on the basis of CDR location and except the CDR location, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the petitioner is a distant relation of co-accused Abhinash Kumar and he is also residing in the house of co-accused person so tower of loction of the petitioner was found near the place of occurrence. He further submits that co-accused persons namely Sheojee Yadav @ Shiwjee yadav, Shankar Yadav and Rama Shankar Yadav have been granted bail by a Coordinate Bench of this Court vide order dated 26.06.2023 passed in Cr. Misc. No. 9898 of 2023 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.10.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail 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, Bhojpur at Ara in connection with Udwanthnagar P.S. Case No. 485 of 2022, 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 witness, 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 antecedents, 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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