

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17156 of 2023

Arising Out of PS. Case No.-10 Year-2021 Thana- DHAMDAHA District- Purnia

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Sourav Kumar Yadav Alias Saurav Kumar Alias Saurav Kumar Yadav Son of
Budhani Yadav alias Budhan Yadav Resident of village-Damgara, P.S.
Dhamdaha, District Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Srivastava, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard Mrs. Soni Srivastava, learned counsel for the

petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
17.11.2022, in connection with Dhamdhaha P.S. Case No. 10 of
2021, F.I.R. dated 13.01.2021 registered for the offences
punishable under Sections 364/302/34 of the Indian Penal Code.

As per the prosecution case, the son of the informant
was having an affair with the daughter of one Ambika Prasad
Mehta. It is stated that the informant's son was taken away by
Ranjeet Kuamr Yadav on his motorcycle to a Chowk in
Damgaraha where the accused persons were also present and
thereafter the informant's son was kidnapped.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. She further submits that from perusal of the F.I.R. it appears that the alleged date of occurrence is 10.01.2021 but the present F.I.R. was instituted on 13.01.2021 after delay of three days without giving any explanation of delay. She further submits that the present F.I.R. was instituted after though only to falsely implicate the petitioner and other co-accused persons in the present occurrence. She further submits that during investigation it has come that the petitioner has last seen with the deceased along with other co-accused persons and there is no accusation of any assault or overt act has come during investigation against the petitioner. She further submits that similarly situated co-accused person namely Subhesh Kumar @ Munmun @ Suvesh Kumar who was also accompanied with the deceased has been granted bail by a Coordinate Bench of this Court vide order dated 22.02.2022 passed in Cr. Misc. No. 46579 of 2021, another co-accused person namely Santosh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 02.11.2022 passed in Cr. Misc. No. 36365 of 2022, another co-accused person namely Bambam Mehta @ Vijay Kumar Mehta has been granted bail by a Coordinate Bench of



this Court vide order dated 28.09.2022 passed in Cr. Misc. No. 43475 of 2022 respectively. She further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.11.2022.

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

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 Judicial Magistrate 1st Class, Purnea in connection with Dhamdaha P.S. Case No. 10 of 2021, 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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