

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25782 of 2023

Arising Out of PS. Case No.-170 Year-2016 Thana- AIRPORT District- Patna

Tusu Yadav @ Tusara @ Mauj Yadav @ Tussu Yadav @ Tushra @ Manoj Yadav, aged about 45 years, Gender- Male, son of Late Kallu Yadav, resident of village- Gohari (Devnagar) PS- Kiul Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Hawaii Adda PS Case No.170 of 2016 dated 22.10.2016, instituted for the offence punishable under Sections 364, 120-B of the Indian Penal Code.

3. The prosecution case, in short, is that two businessmen of marble business, who were full brothers, were kidnapped from the Patna Airport. The victims were called from Delhi for providing them marble work in Bihar on large scale. When both the brothers reached at the Patna Airport, a vehicle was sent to receive them by the same person, who called them to Patna. Later on, both were kidnapped. However, the police



rescued them safely and four persons were arrested on the spot.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Only on the basis of confessional statement of Sintu Kumar @ Pintu Kumar, the petitioner has been made accused in this case. It is further submitted that Sintu Kumar @ Pintu Kumar in whose confessional statement his name has transired has already been granted bail by a co-ordinate Bench of this Court by order dated 23.05.2018 passed in Cr. Misc. No. 27113 of 2018. Learned counsel further submitted that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from his possession. No Test Identification Parade has been conducted. Statement of both the victims, namely, Suresh Chandra Sharma and Kapil Deo Sharma has been recorded under Section 164 Cr.P.C. but they have not taken the name of the petitioner. Lastly, it is submitted that the petitioner is in custody since 01.10.2022 and charge-sheet has been submitted in the case. One criminal case is pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Patna, in Hawaii Adda PS Case No.170 of 2016, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

U		T	
---	--	---	--

