

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24168 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- CHAUSA District- Madhepura

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KANHAIYA YADAV S/o Late Siyaram Yadav R/o Village - Bhatgama, P.S. -
Chausa, District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal, Adv.
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 364 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that while his younger brother was going on a motorcycle, Jaynath Yadav stopped him and went along with him. Jaynath Yadav started to drive the motorcycle. Thereafter it is stated that a four-wheeler vehicle came wherein the accused persons including the petitioner herein were present. They forcibly took away the informant's younger brother and since then his whereabouts is not known. The informant finally states that about a month back, Miltan Yadav misbehaved with the female members of his family but the dispute had been settled.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. From perusal of the F.I.R., it would transpire that it was Jaynath Yadav who had gone with the informant's younger brother and further Milton Yadav may have some cause to give effect to the occurrence. Neither the petitioner has any cause for committing the crime nor is any overt act alleged against him. He has no criminal antecedent. He is in custody since 10.11.2021 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the materials on record, it transpires that the petitioner is a named accused along with others in the F.I.R. wherein specific allegation has been levelled that the brother of the informant was forced into the vehicle in which the accused persons including the petitioner were present and was kidnapped. He has still not been recovered.

In view of the facts of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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