

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33271 of 2022

Arising Out of PS. Case No.-48 Year-2016 Thana- MAGADH UNIVERSITY District- Gaya

SUDAMA YADAV SON OF SRI SADHU YADAV RESIDENT OF
VILLAGE- PATHRA, P.S.- MOHANPUR, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

Mrs. Vaishnavi Singh

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Magadh
University P.S. Case No. 48/2016 registered for the offences
punishable under Section 364 of the Indian Penal Code and
Section 17 of the Criminal Law Amendment Act.

As per prosecution case, on 01.07.2016 Harinandan
Pandey was on duty at Kalbhart-112 situated at Jindapur and at
about 8:45 PM the informant received a call on his mobile No.
9102000151 from the mobile no. 7764878419 of Harinandan
Pandey stating therein that Gorelal Yadav kidnapped him. It was
further alleged that Gorelal Yadav threatened the informant with



dire consequences on phone.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR, during course of investigation the name of petitioner surfaced in this case on account of suspicion. The petitioner is languishing in custody since 31.03.2022 and bears criminal antecedent of nine cases in which he is acquitted in one case and in eight cases he is on bail. He further submits that no incriminating articles has been recovered from the conscious possession of the petitioner. No cogent evidence has been found against the petitioner. Even the victim, who has been abducted, has not stated anything against the present petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has several criminal antecedents.

Considering the facts and circumstances of the case, period of custody, abducted person has not stated anything against the petitioner, charge sheet has already been submitted in this case and there is no likelihood of tampering with the



prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Magadh University P.S. Case No. 48/2016, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the



concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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