

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44300 of 2023

Arising Out of PS. Case No.-86 Year-2021 Thana- NIRMALI District- Supaul

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SANTOSH KUMAR @ SANTOSH KUMAR YADAV S/O RAJA RAM
YADAV R/O VILLAGE- BISHANPUR, WARD NO. 16, PS. PHULPARAS,
DIST. MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 364, 364(A) & 34 of the Indian Penal Code.

It is a case of commission of kidnapping of the son of the informant who is resident of Nepal. The informant alleged that co-accused Ram Kumar Yadav, Lal Babu Yadav, Ranjeet Kumar Yadav, who are residents of Nepal and indulged in kidnapping, murder, extortion in Nepal are involved in the commission of kidnapping of his son and in the said crime, co-accused Umesh Yadav, Satish Yadav and Ashok Mandal, who



are residents of Bihar have helped them along with this petitioner.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. The petitioner is not named in the F.I.R and the name of the petitioner has come during investigation on the basis of confessional statement of F.I.R. named co-accused Ram Kumar Yadav before the police, which has no evidentiary value in the eye of law. The petitioner has no concern either with the occurrence or the accused persons. It is further submitted that it is the specific case of the informant that victim was kept captive in the house of Umesh Yadav. During course of investigation, no consistent material has come against the petitioner which shows his involvement in the alleged occurrence. The other co-accused Ramanand Yadav who named in the F.I.R. has already been enlarged on bail by this Bench vide order dated 19.05.2023 passed in Cr. Misc. No.71784 of 2021. The petitioner is languishing in custody since 21.11.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and



taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Nirmali P.S. Case No.86 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of A.C.J.M.-I, Birpur, District-Supaul.

(Sunil Kumar Panwar, J)

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