

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43094 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- GOGRI District- Khagaria

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Banti Yadav @ Bandit Yadav Son Of Lalan Yadav R/O Village- Usri, P.S.-
Gogari, District- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Gogari P.S. Case No. 91 of 2022 arising out of G.R. No. 765/2022 registered for the alleged offences under Section 364 of the Indian Penal Code.

As per prosecution case, petitioner kidnapped the minor daughter of the informant on gunpoint.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and there was love affair between the petitioner and daughter of the informant. The victim girl was not sexually assaulted and it appears even from the statement recorded under Section 164 of the Cr.P.C. The victim girl has recorded her



statement under pressure of her parents. The petitioner is in custody since 27.03.2022 and charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent and the witnesses in case diary have all supported the prosecution case. Learned APP further submits that the petitioner and his associates also threatened the informant and his family members to make statement in their favour. From the statement recorded under Section 164 Cr.P.C., it further appears that police was also taking side of the petitioner and the victim girl was recovered with the petitioner.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of sexual assault and also considering the period of custody of the petitioner along with the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogari P.S. Case No. 91 of 2022 arising out of G.R. No. 765/2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the



following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

It is again made clear that the petitioner will not approach either the victim or her family members or any of the witnesses of the case in any manner, either directly or indirectly, otherwise the bail bond of the petitioner will be cancelled by the learned trial court which is further directed to take steps for early conclusion of trial preferably within 6 months.

(Arun Kumar Jha, J)

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