

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47100 of 2023

Arising Out of PS. Case No.-88 Year-2022 Thana- BELHAR District- Banka

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Vishal Yadav @ Geno Yadav @ Genu Yadav @ Vishal Kumar, Son of
Wishwnath Yadav, Resident of Village- Horilwatanr, Police Station- Katoria
(Suiya), District – Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

2. Petitioner seeks regular bail in connection with

Belhar P.S. Case No. 88 of 2022 dated 10.03.2022 registered for

the offence punishable under Section 364/34 of the Indian Penal

Code.

3. The main submissions advanced by learned counsel

for the petitioner are that the FIR was registered against

unknown, during investigation the petitioner's role in the alleged

crime came into light in the confessional statement of co-

accused namely Babloo Yadav @ Bablu Yadav who has been

granted bail by a co-ordinate Bench of this Court vide order

passed in Cr. Misc. No. 19514/2023 and another co-accused



namely Pankaj Kumar Yadav, whose role in the alleged crime was also revealed by the said co-accused Babloo Yadav @ Bablu Yadav, has been granted bail by the same co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 2997/2023, accordingly petitioner's case is identical to co-accused Pankaj Kumar Yadav and on better footing from the said co-accused Babloo Yadav @ Bablu Yadav. Further submissions are that against this petitioner there is no legal evidence except the confessional statement of Babloo Yadav @ Bablu Yadav and he was not put on *Test Identification Parade* after his arrest in the present matter, though against him there are criminal antecedents of two cases but he was remanded in both the said cases after he was taken in custody in the present matter. Further submissions are that the petitioner has been languishing in jail since 31.01.2023 and against him the investigation has been completed and in the statement recorded before the Judicial Magistrate under Section 164 of Cr.P.C., the victim did not reveal the role of this petitioner in the alleged crime of abduction and moreover, the victim himself returned back.

4. Learned APP appearing for the State has opposed the bail prayer.



5. Considering the above submissions and mainly taking into account the circumstances pointed out by the learned counsel for the petitioner which go in favour of the petitioner’s prayer, this Court is inclined to accept the petitioner's prayer. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Belhar P.S. Case No. 88 of 2022.

(Shailendra Singh, J)

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