

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55672 of 2023

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

Phanaklal Yadav @ Phanka Yadav Son Of Bokan Yadav @ Bikram Yadav
Resident Of Village - Mahua, Ward No.03, P.S. - Nirmali, District - Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 364, 364(A)/34 of the Indian Penal Code.

3. 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. It is alleged against this petitioner that he used his Scorpio vehicle in the commission of kidnapping and he was well aware about the occurrence. The petitioner has also made his confessional statement before the police which is part of para 99 of the case diary.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R and the name of the petitioner has come during investigation on the basis of his own confession before the police, which is not sustainable in the eye of law. The petitioner has no concern either with the occurrence, or the accused persons or the vehicle in question. The said seized Scorpio vehicle is not registered in the name of the petitioner, rather one Digambar Prasad Yadav is the registered owner of the seized Scorpio vehicle. 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 also, no consistent material evidence has been collected by the Investigation Officer against the petitioner. His name has come in confessional



statement of co-accused Ramanand Yadav, who has already enlarged on bail vide order dated 19.5.2023 passed in Cr. Misc. No. 71784 of 2021. The petitioner is languishing in custody since 10.2.2023.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail.

Considering the fact that petitioner is not named in the F.I.R and no material evidence has come against the petitioner during investigation as well as the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Birpur, Supaul in connection with Nirmali P.S. Case No. 86 of 2021

(Sunil Kumar Panwar, J)

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