

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52415 of 2023

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

BIKASH YADAV @ BIKASH KUMAR @ VIKAS KUMAR YADAV Son of
Kuntu Yadav Resident of Village-Sonari, Police Station-Belhar, District-
Banka. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-08-2023 This application for grant of anticipatory bail arises

out of Belhar Police Station Case No. 88 of 2022, dated

10.03.2022, disclosing offence under Sections 364/34 of the

Indian Penal Code.

The prosecution case, as per the First Information
Report, is that while the father of the informant was returning
from the school on his motorcycle, he was kidnapped by some
unknown persons.

Learned Counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicate in this case.
The First Information Report has been registered against
unknown persons and the name of the petitioner has transpired
during the course of investigation on the basis of the
confessional statement made by co-accused persons, namely,
Pankaj Kumar Yadav and Bablu Yadav. He further submits that



in the statement, recorded under Section 164 of the Criminal Procedure Code, the father of the informant did not disclose the name of any person who has kidnapped him. He next submits that Test Identification Parade has not been conducted as yet.

I have heard learned counsel for the parties and have gone through the materials available on record including the impugned order.

From perusal of the impugned order, it transpires that co-accused, namely, Pankaj Kumar Yadav and Bablu Yadav, have disclosed the involvement of the petitioner in the alleged kidnapping of the father of the informant and the investigation is still going on.

Considering the above, I do not find any reason to differ with the findings arrived at by the learned Sessions Judge, Banka, inasmuch as the case is under investigation, wherein, the custodial interrogation of the petitioner may be necessary based upon the material collected by the police during the course of investigation, as such, I am not inclined to exercise my discretion for grant of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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