

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55008 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- BANKA District- Banka

VISHAL YADAV @ VISHAL KUMAR @ GENO YADAV SON OF
WISHWNATH YADAV @ VISHWANATH YADAV RESIDENT OF
VILLAGE- HORILWATANR, POLICE STATION- KATORIA (SUIYA),
DISTRICT- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Banka P.S. Case No.393 of 2022 instituted under Section s 364,379/34 of the Indian Penal Code lodged on 18.06.2022 by the informant Bimal Kumar.

As per the prosecution story, the allegation is that the accused persons moving on two motorcycles intercepted his Bolero and kidnapped one Arup Manna. The informant was also assaulted and relieved of his wallet and mobile phones. This followed the FIR.

It is the case of the petitioner that his name has been come in the confessional statement of Pankaj Kumar Yadav and Babloo Yadav, but neither anything has been recovered from his conscious possession nor TI parade conducted. The further



submission is that the similar placed some of the co-accused namely Babu Lal Yadav and Rajesh Kumar has since been granted bail by coordinate benches of the Court in Cr. Misc. No.49291/2022 and Cr. Misc. No.50382/2022 respectively. Further Babloo Yadav and Pankaj Yadav on those confession his name came have since also been released in Cr. Misc. No.65389/2022 and Cr. Misc. No.17153/2023.

Learned APP opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that similar placed co-accused have been granted bail, as stated above, is in custody since 17.03.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Banka P.S. Case No.393 of 2022 to the satisfaction of learned Additional Sessions Judge, Ist, Banka , subject to following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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