

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60015 of 2023

Arising Out of PS. Case No.-21 Year-2020 Thana- GOGRI District- Khagaria

1. KRIPAL YADAV @ RAM KRIPAL YADAV S/o- ARJUN YADAV Village- Shishwa Ps- Gogri Dist- Khagaria
2. Manohar Yadav son of late Nakul Yadav Village- Shishwa Ps- Gogri Dist- Khagaria
3. Sogarath Yadav son of Lalmani Yadav Village- Shishwa Ps- Gogri Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bind Keshari Kumar, Sr. Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-09-2023

Heard the parties.

2. The petitioners are in custody in connection with Gogri P.S. Case No. 21 of 2020 for the offence under sections 364, 506/34 of the Indian Penal Code lodged on 19.01.2020 by the informant, Sunita Devi.

3. As per the prosecution story, the allegation is that the husband of the informant (victim) and family members were living in the parents house. In the meantime, when he went out to attend the call of nature, she heard him raising alarm. Upon coming out, saw the named accused persons including these petitioners kidnapping her husband and taking him away. The motive has been alleged to be that son of the informant has solemnized love marriage with the daughter of the co-accused Manohar Yadav which led to this kidnapping. Accordingly the



FIR.

4. Learned Senior Counsel for the petitioners submits that omnibus allegation has been made against all the accused persons and only because Manohar Yadav's daughter solemnized love marriage with informant's son, on the basis of suspicion, claiming herself to be the eye witness and she has made allegation against the accused persons.

5. The last submission is that similar placed co-accused Sanajay Yadav and Mahipal Yadav have since been granted bail vide Cr. Misc. No. 11367 of 2021 and Cr. Misc. No. 32805 of 2021.

6. Learned APP opposes the prayer for bail stating that the victim has still not been traced out.

7. Though there are specific allegations against these petitioners, in view of the fact that similar situate persons have been granted bail, as stated above, this Court is inclined to extend them the privilege of bail with conditions.

8. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M. Khagaria, in connection with Gogri P.S. Case No. 21 of 2020 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

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

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

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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