

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.58298 of 2022

Arising Out of PS. Case No.-105 Year-2002 Thana- CHOUTARWA District- West
Champaran

CHUMAN YADAV Son of Late Indradeo Yadav Resident of Village-
Bagahwa Tar, P.S.- Dhanaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr.Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Sessions Trial No. 444 of 2014, arising out of Chautarwa (Bathwariya) P.S. Case No. 105 of 2002 for the offence registered under Section 364(A) of the Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by a co-ordinate Bench of this Court vide order dated 03.10.2016 passed in Criminal Miscellaneous No. 7247 of 2016.

The accusation is regarding 12-15 unknown accused persons having kidnapped the son of the informant and his driver, however, subsequently, the kidnapped persons had returned back to their home and it is alleged that the motive



was extortion.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that though the petitioner is languishing in custody since 23.09.2013 but he was remanded in the present case on 16.05.2014. It is also submitted that there is no eye witness to the alleged occurrence and the petitioner has got no role to play in the alleged occurrence which is also apparent from the investigation carried out by the police and only on account of the bad antecedent of the petitioner, he has been falsely roped in the present case, nonetheless, it is submitted that though the petitioner was initially accused in 17 other cases but he has been acquitted in 13 of them and now, apart from the present case, the petitioner is an accused in three other cases, in which he is on bail. It is next submitted that the co-accused person, namely, Radhe Yadav whose bail was also rejected by a co-ordinate Bench of this



Court vide order dated 03.10.2016, has already been granted the privilege of bail vide order dated 13.09.2021, passed in Criminal Miscellaneous No. 25265 of 2021. It is also submitted that another co-accused person, namely, Laldhar Yadav has also been granted bail by a co-ordinate Bench of this Court vide order dated 09.04.2021, passed in Criminal Miscellaneous No. 2309 of 2021. Lastly, it is submitted that there is no progress whatsoever in the on going trial as is apparent from the impugned order dated 12.01.2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by co-ordinate Benches of this Court, though, I deem it fit and proper to admit the petitioner to



the privilege of bail, however, subject to certain conditions.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bagaha, West Champaran in connection with Sessions Trial No. 444 of 2014 arising out of Chautarwa (Bathwariya) P.S. Case No. 105 of 2002.

It is further directed that the petitioner would mark his attendance before the concerned Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week, starting from the day he is released from custody and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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