

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71784 of 2021**

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

Ramanand Yadav Son Of Hare Ram Yadav Resident Of Village- Jothi, P.S.  
Khutona, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Veena Rani Prasad

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

5      19-05-2023                      Heard learned counsel for the petitioner and  
  
learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a  
  
case registered for the offences punishable under  
  
Sections 364, 364(A)/34 of the Indian Penal Code.

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. A supplementary affidavit has been filed to that effect. 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. The petitioner is languishing in custody since 18.06.2021.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner has confessed his involvement in the crime before the police and the independent witnesses have supported the case of the prosecution against the petitioner.

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 Additional



Chief Judicial Magistrate, 1<sup>st</sup>, Bihpur, Supaul in connection with Nirmali P.S. Case No. 86 of 2021, subject to conditions:-(i) that one of the bailors shall be close relative of the petitioner (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds (iv) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of bail bonds of the petitioner.

**(Sunil Kumar Panwar, J)**

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