

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66213 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- SIMRI District- Darbhanga

LEELADHAR RAI @ KANHAIYA YADAV Son of Sanjay Kumar Ray
Resident of Village-Kalyani, P.S.-Gaighat, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate.

For the Opposite Party/s : Mr.Bharat Lal, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Sunil Kumar, learned counsel appearing on behalf of the petitioner and Mr. Bharat Lal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Simri P.S. Case No. 77 of 2022 registered for the offence punishable under Sections 363 and 365 of the Indian Penal Code.

3. As per the allegation made in the F.I.R. which is against unknown, some accused persons had kidnapped the husband of the informant. The investigation was conducted and statement of the victim was recorded under Section 164 Cr.P.C. from which it transpired that the petitioner is the one who had kidnapped the husband of the informant.

4. Learned counsel appearing on behalf of the



petitioner submits that the actual person who was kidnapped is Arvind Yadav. His statement was recorded under Section 164 Cr.P.C. in which he named six persons who were involved in his kidnapping including the petitioner Kanhaiya Yadav. Learned counsel submits that the petitioner was not identified by the victim nor he had kidnapped the victim. He submitted that the petitioner himself has made statement in Para-11 that Kanhaiya Yadav and the petitioner are two different persons, even assuming that Kanhaiya Yadav is the same person, but in absence of any information with respect to the name of the father of said Kanhaiya Yadav, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, in absence of the statement of the victim recorded under Section 164 Cr.P.C., the accused who were identified by the victim who had kidnapped him can only be ascertained by the District Court after examining the victim Arvind Yadav in support of the fact that petitioner whose name is Leeladhar Rai @ Kanhaiya Yadav was not involved in the alleged kidnapping. In case it is found that the petitioner is



altogether a different person whose details have been mentioned in the cause title of the present bail application, then in that case, petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Darbhanga in connection with Simri P.S. Case No. 77 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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