

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65845 of 2022

Arising Out of PS. Case No.-327 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. SUBASH YADAV Son of Late Yogendra Prasad Yadav R/V- New Raghunathpur, P.S- Sahebpur Kamal Dist- Begusarai
 2. Prince Yadav @ Saurav Yadav @ PRINCE Son of Vinay Yadav R/V- New Raghunathpur, P.S- Sahebpur Kamal Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in connection with S.
Kamal P.S. Case No. 327 of 2019 dated 03.11.2019 registered
for the offence under Sections 363 and 365 of the Indian
Penal Code.

The son of the informant is alleged to have been
eloped by the F.I.R. named accused persons.

Learned counsel appearing for the petitioners
submits that the petitioners are innocent and have falsely
been implicated in this case. He further submits that the
alleged occurrence took place on 13.10.2019 whereas the



F.I.R. has been instituted on 03.11.2019 after lapse of twenty days without explaining the plausible delay which creates doubt over the prosecution version. He further submits that the petitioners have not been named in the F.I.R. but their names transpired in this case on the basis of confessional statement of the co-accused persons. He further submits that the informant has taken contrary stand stating that his son left his house after informing to his wife that he is going to Jalkar but in subsequent part of the F.I.R. he stated that four F.I.R. named accused persons have called his son and taken him away from the house and thereafter he did not return. Save and except the confessional statement of the co-accused and mere suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioners in the alleged occurrence. He further submits that two F.I.R. named accused persons, namely, Hitlar Yadav @ Praduman Yadav and Rajeev Yadav have already been granted bail by a co-ordinate Bench of this Court vide order dated 05.03.2021 and 27.08.2021 passed in Cr. Misc. No. 36907 of 2020 and Cr. Misc. No. 31828 of 2021, respectively and the case of these petitioners stands on better footing. He further submits that the police after investigation has



submitted charge-sheet in this case against the petitioners. The petitioners are rotting in custody since 22.03.2022 and 26.03.2022, respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioner No.1 is having one case other than the present one whereas petitioner No. 2 bears clean antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 A.C.J.M., Balia at Begusarai in connection with S. Kamal P.S. Case No. 327 of 2019 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty



to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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