

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70766 of 2023

Arising Out of PS. Case No.-625 Year-2022 Thana- HISUWA District- Nawada

Mukesh Yadav S/O Naresh Yadav Resident Of Village- Dhamoul, P.S- Hisua,
District- Nawada

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Hisua P.S. Case No. 625 of 2022 lodged under Sections 366A,
34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against 4 named accused persons and allegation of
kidnapping is there against all of them.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
further submits that petitioner is in custody since 25.09.2023
having clean antecedent.

5. Counsel further submits that the other co-accused
person has been granted bail by the Co-ordinate Bench of this
Court vide order dated 06.07.2023 passed in Cr. Misc. No.
30087/2023. He further submits that charge sheet has already
been submitted in this case.



6. Learned counsel for the State opposes the prayer for bail and submits that allegation of kidnapping is there in the F.I.R. and in the rejection order, the statement under Section 164 of Cr.P.C. has been acknowledged in the order sheet in which the allegation of kidnapping has been supported by the informant. It has also come that they used to prepare video and uploaded it on the *Facebook*.

7. Counsel further submits that the Co-ordinate Bench of this Court has observed that the co-accused who has been granted bail, is not named in the F.I.R., which is not the correct fact. It has also come that the co-accused of this case was in custody since 03.02.2023 and bail was granted to him on 06.07.2023. As such, it is clear that the accused of this case is named in the F.I.R. and he has not completed such period of custody.

8. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

9. However, liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

(Dr. Anshuman, J.)

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