

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74485 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- NARDIGANJ District- Nawada

BIRJU YADAV @ BIRJU @ BIRJA YADAV @ BRIJA YADAV SON OF
LATE SHIVNANDAN YADAV @ SHIVNANDAN PRASAD YADAV R/O
VILL.- NAYA BELDARI, P.S.- MUFFASIL, DISTT.- 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 : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
08.09.2022 in connection with Nardiganj P.S. Case No.202/2021
F.I.R. dated 09.09.2021, for the offences punishable under
Sections 365 and 34 of the IPC.

According to prosecution case, the petitioner along his
son are alleged to have kidnapped the informant and demanded
to release the sand laden vehicles seized by the mining
department or paid Rs. 2 lacs.

Learned counsel for the petitioner submits that the
petitioner falsely been implicated in the present case. He further
submits that the allegation as alleged in the F.I.R. is false and



fabricated and in fact no such occurrence has taken place. He further submits that it appears from the F.I.R. itself that no ransom has been paid to the accused persons and the victim was recovered on the same day. He further submits that during investigation, the independent witnesses have not supported the allegation as alleged in the F.I.R. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 08.09.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eleven criminal antecedent other than the present one but fairly submits on the basis of para-3 of the supplementary affidavit that the petitioner is on bail in all the eleven cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned J.M.1st Class, Nawada in connection with Nardiganj P.S. Case No.202/2021, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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