

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11116 of 2024

Arising Out of PS. Case No.-233 Year-2022 Thana- BELDOUR District- Khagaria

Nitin Kumar, aged about 34 years (Male), S/o- Late Rajendra Yadav, R/O
Village- Panchath, Ward No 9, PS- Beldour, Dist- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party : Mr. Md. Matloob Rab, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

7 22-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Beldour P.S. Case No. 233 of 2022 corresponding to G.R. No.
3310 of 2022 dated 15.11.2022 registered for the offences
punishable under Sections 363 and 365 of the I.P.C.

3. As per the prosecution case, on 09.11.2022 at about
6.00 P.M., the petitioner and the other co-accused persons are
alleged to have kidnapped the minor son of the informant.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. It is submitted that the informant is not the eye witness
to the alleged occurrence. The petitioner has been made accused



in the present case only on the basis of the suspicion. The father and mother of the petitioner were *Mukhiya* of *Balaitha Gram Panchayat* from the year 2001-2011 and the petitioner was himself the candidate to the post of *Panchayat Samiti* of Ward No. 19 of *Balaitha Gram Panchayat* and due to the political rivalry, one Ravindra Yadav gave the name of the petitioner in kidnapping of her son, however, the petitioner has no role in the said kidnapping of her son. It is further submitted that during investigation, no incriminating material has come against the petitioner rather in paragraph no. 22 of the case diary it has come that the informant's son had bad habit and he was stealing money from his house and his parents scolded him and apart from that the victim has friendship with the co-accused Shankar Yadav and Prince Yadav who were anti-social elements of the society and both of them had gone to jail in theft case and recently they were released on bail. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 29.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has further submitted that the charge sheet has been submitted under Section 364 of the I.P.C. against the petitioner and other co-



accused persons. The victim who is 11 years old, is traceless.

6. Considering the aforesaid facts and circumstances of the case as well as the seriousness of allegation, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Beldour P.S. Case No. 233 of 2022, corresponding to G.R. No. 3310 of 2022, pending in the court of learned C.J.M., Khagaria.

7. The application stands rejected.

8. The court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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