

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24720 of 2023

Arising Out of PS. Case No.-133 Year-2019 Thana- PAKARIBARAW District- Nawada

Awadhesh Yadav S/O Late Ram Bilash Yadav R/O Village- Misi, P.S-
Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

8 07-05-2024 Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with

Pakribarawan P.S. Case No. 133 of 2019 instituted for the

offences under Sections 342 and 365 of the Indian Penal

Code.

3. The prosecution case, in short, is that the wife of

the Informant was kidnapped by the co-accused/Sanjay

Yadav and, thereafter, the Informant received a call on his

mobile phone that the accused/Sanjay Yadav sold the victim

to the petitioner/Awadhesh Yadav. It is further alleged that

the victim was recovered from the house of the



petitioner/Awadhesh Yadav.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that the alleged occurrence took place on 04.09.2018 but, the written report was submitted by the Informant on 01.05.2019 i.e. after eight months of the alleged occurrence without any plausible explanation for the same which falsifies the prosecution case. He again submits that as a matter of fact, the victim herself had come to the house of co-accused Sanjay Yadav. The victim in her statement made under Section 164 Cr.P.C. has not made out any allegation of any overt act against the petitioner. The petitioner has two criminal antecedents and is languishing in judicial custody since 14.12.2022 without any rhymes or reason. Learned counsel for the petitioner again points out that the co-accused Sanjay Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.07.2019 passed in Cr. Misc. No. 45275 of 2019.



5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the victim in her statement under Section 164 Cr.P.C. has fully supported the case of the prosecution and the victim has been recovered from the house of the petitioner. The victim, in her statement made under Section 164 Cr.P.C., has categorically stated that she was kidnapped by the co-accused/Sanjay Yadav, forced her to enter into illicit relationship and, later on, handed her over to the petitioner and the petitioner demanded Rs. five lacs from the husband of the victim for returning her. The police after investigation has submitted charge-sheet against the petitioner under Section 342/365/34 of the Indian Penal Code. The allegation made against the petitioner is serious in nature and, thus, he does not deserve bail.

6. Having considered the entire facts and circumstances of the case, the nature of offence as also the direct allegation of the victim against the petitioner in her statement under Section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner.



7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of twelve months from the date of receipt/production of a copy of this order.

8. If the trial is not concluded within the aforesaid period of twelve months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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