

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31261 of 2024

Arising Out of PS. Case No.-4 Year-2000 Thana- GAUNAHA District- West Champaran

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Hari Yadav SON OF LATE SINGHASAN YADAV RESIDENT OF
VILLAGE- CHAUMUKHA PS- YOGAPATTI, DIST- WEST CHAPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-07-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.497 of 2023, arising out of Gaunaha P.S. Case no.4 of 2000, registered under sections 364A and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that on waking up in the morning and going on the terrace where his two sons and daughter's son were sleeping, he found one of his sons missing. On inquiry, his daughter's son informed him that some unknown accused persons on the pretext of showing them the way had taken him and thereafter he did not return. The informant states that he is convinced that



his son has been kidnapped for the purpose of ransom.

4. Learned counsel for the petitioner submits that the FIR was registered against unknown. The only material that has transpired against the petitioner in course of investigation is the confessional statement of co-accused made before police. No material has transpired against the petitioner to connect him with the alleged crime. He is in custody since 21.2.2022.

5. The application for bail is opposed by learned APP for the State, who submits that in an FIR of the year 2000, the petitioner was taken into custody 22 years later on 21.2.2022.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation and specially the petitioner having absconded for 22 years, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. It transpires from the report received from the learned trial Court that inspite of the petitioner having remained in custody for over 2 years since 21.2.2022, non-bailable warrants have been issued for appearance of the prosecution witnesses, however they are not appearing.



8. Liberty is granted to the petitioner to renew his prayer for bail in case there is no substantial progress in the trial in the learned trial Court in six months.

(Partha Sarthy, J)

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