

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5513 of 2024

Arising Out of PS. Case No.-99 Year-2021 Thana- BITHAN District- Samastipur

Jyotish Yadav Son of Raj Kishor Yadav Resident of Village- Satghatta, P.S.-
Alauli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

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

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

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bithan
P.S. Case No. 99 of 2021 instituted for the offences under
Sections 363, 365/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
accused persons including the present petitioner is of
kidnapping the victim boy Shivam Kumar aged about 15 years
by motorcycle.

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
due to ulterior motives. He further submits that the date of



occurrence is 04.07.2021 but, the F.I.R. was lodged on 11.07.2021 i.e. after an inordinate delay of seven days without any plausible reason for the same which falsifies the prosecution case. There is no eye-witness to the occurrence and mereon on suspicion, the petitioner has been implicated in this case. There is admitted land dispute between the parties. The case has also been compromised between the parties and they do not want to proceed further with the case. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 22.08.2023. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner submitting that the petitioner is named accused in this case and there is ample evidence in the case diary to support the prosecution case and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Bithan P.S. Case No. 99 of 2021, subject to the following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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