

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10773 of 2024

Arising Out of PS. Case No.-826 Year-2022 Thana- ARARIA District- Araria

Nitish Kumar Yadav son of Bipin Kumar Yadav @ Bipin Kumar Mandal
Village- Satver Pipra W.No-10, Ps- Bardaha Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mrs. Asha Devi

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 21-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case initially registered for the offence punishable under Sections 363 and 365 of the Indian Penal Code, later on Section 367 of the Indian Penal Code was also added.

3. As per the prosecution case, the husband of the informant was kidnapped when the FIR was lodged against some unknown accused persons.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. He is neither named in the F.I.R. nor was apprehended on the spot. The allegation has been levelled against the petitioner only on



the basis of suspicion. There is no eye-witness to the occurrence. Co-accused Prakash Kumar Mishra @ Saddu has already been granted bail by a Co-ordinate Bench of this Court vide order dated 28.06.2023, passed in Cr. Misc. No. 10274 of 2023.

5. Learned APP for the State opposed the bail petition.

6. This Court, vide order dated 13.12.2024 called for a report from the learned Court below regarding the stage of the trial and the time likely to be taken in conclusion of the trial. Pursuant thereto, a report dated 18.12.2024 has been transmitted to this Court, which reflects charge has been framed and summon has been issued against the chargesheeted accused persons and at present, the case is at the stage of evidence on the behalf of the prosecution, however, no witness has been examined till date.

6. Considering the facts and circumstances of the case and the fact that till date no witness has been examined and there is no likelihood of conclusion of trial in near future, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned Court below where the case is pending/successor Court in connection with Araria P.S. Case No. 826 of 2022, subject to the conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(II) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(III) The petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(IV) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(V) The petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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