

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19068 of 2025

Arising out of PS. Case No.-304 Year-2024 Thana- RAGHUNATHPUR District- Siwan

Anup Yadav, S/o Sita Ram Yadav, Resident of Village- Fulwariya, Yadav Tola,
P.S.- Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s: Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 08-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 137(2) and 140(1) of the Bhartiya Nyay Sanhita, 2023 and corresponding to Sections 363 and 364 of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution case, the informant has alleged that his son, Sudhir Kumar Yadav was driver of a tractor and had gone out who was subsequently kidnapped. It is further alleged that the petitioner had lost her son admittedly with regard to some dispute of money and a suspicion was raised that it was the petitioner who had kidnapped the son of the informant.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and during the



course of investigation it has come through the various statements of independent witnesses who have stated that it was on account of the love affair of Sudhir Kumar Yadav, the son of the informant with the cousin of Vicky Singh, the petitioner has falsely been implicated in this case. Learned counsel for the petitioner refers to several paragraphs of the case diary wherein those independent witnesses have stated that petitioner has falsely been implicated in this case and it was on account of difference between Vicky Singh with Sudhir Kumar Yadav, he was kidnapped and is still traceless. It is lastly submitted that the petitioner has no criminal antecedent and is in custody since 11.11.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner has been named in the FIR and son of the informant is still traceless, as such, the petitioner should not be released on bail.

6. Considering the aforesaid submissions of the parties and taking into account the evidences which have come during the course of investigation through the statements of independent witnesses and the period of custody, the petitioner above named, is directed to be released on bail on furnishing



bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class/Court concerned, Siwan in connection with Raghunathpur P.S. Case No. 304 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms



of the above-mentioned order shall not be de-
layed for purpose of the same or in the name of
verification.

7. It is made clear that the observations, if any,
made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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