

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33294 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- LAKHISARAI District- Lakhisarai

Gulab Yadaw @ Gulab Yadav S/O Late Nageshwar Yadav R/O Pachena, P.O.
and P.s.- Lakhisarai, Dist.- Lakhisarai. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vagisha Pragya Vacaknavi, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in
connection with Lakhisarai P.S. Case No. 45 of 2025, registered
for the offences punishable under Sections 137(2), 140(1), 61(2),
3(5) of the BNS, 2023.

3. The allegation against the petitioner is to kidnap the
uncle of the informant alongwith other co-accused persons in the
background of the land dispute.

4. It is submitted by learned counsel appearing for the
petitioner that admittedly the uncle of the informant, was rescued
from the captivity of co-accused Ram Bhawan Pd. and Rahul
Manjhi and not from this petitioner. It is submitted that only one
eye-witness of the occurrence, who is Dr. Santosh Kumar never



came forward to record his statement under Section 180 of the BNSS and neither police made any endeavour to record his statement in support of the occurrence. It is submitted that the statement of victim as recorded under Section 183 of the BNSS, itself disclosing, motive behind the occurrence as land dispute, where allegation *qua* kidnapping against petitioner appears very much general and omnibus. Petitioner found involved in two more criminal cases, arising out of land dispute where, he got bail on the basis of compromise.

5. Learned APP duly assisted by learned counsel Mr. Mayank Bilochan, appearing on behalf of the informant, while opposing the prayer of anticipatory bail submitted that the allegation of kidnapping is also available against this petitioner but fairly conceded that the victim was recovered from the captivity of co-accused, namely, Ram Bhawan Pd. and Rahul Manjhi. He also could not disputed the submission that only eye-witness Dr. Santosh Kumar was not examined by police during investigation.

6. Considering the aforesaid facts and circumstances and by taking note of the fact as the occurrence took place in the background of land dispute, where admittedly the uncle of the informant/victim rescued from the captivity of Ram Bhawan Pd. and Rahul Manjhi, coupled with fact land dispute is an admitted



position, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai/concerned Court, where the case is pending in connection with Lakhisarai P.S. Case No. 45 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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