

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41599 of 2025

Arising Out of PS. Case No.-446 Year-2022 Thana- RAJAON District- Banka

1. Gautam Yadav Son of Shambhu Yadav Resident of village- Jhikita, P.s.- Rajoun, District- Banka
2. Suresh Yadav Son of Laxman Yadav Resident of village- Jhikita, P.s.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr.Md.Najmul Hodda, Advocate Mr. Ayushi Chaudhary, Advocate
For the Opposite Party/s :		Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 364, 504, 506 and 302 of the Indian Penal Code.

3. The case of the prosecution is that two persons, namely Dinbandu Kumar and Rohit Kumar were kidnapped by Shambhu Kumar, Gotam Yadav, Bablu Kapri and Suresh Yadav. After some time, Rohit Kumar come back and given his statement before the police which is recorded in paragraph 24 of the case diary in which he stated that he and Dinbandhu Kumar (deceased) were kidnapped by these four persons named in the



FIR including the petitioners herein.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in connection with the present case. It is further submitted that from perusal of the statement of Rohit Kumar itself, it is clear that he stated that he could not identify the persons who have kidnapped him but he was able to identify the persons, who have kidnapped the deceased. It is also submitted that from perusal of the post-mortem report, it will transpire that the deceased has one incised wound (7"x4") in occipital bone, Bruise (3"x2") present in back side and incised wound in (2"x1") in right palm. It is further submitted that the petitioner had no motive to commit the offence. Moreover, the petitioner is languishing in judicial custody since 17.02.2025.

5. Learned APP appearing for the State has opposed the prayer of regular bail stating that the petitioners have been identified by Rohit Kumar, who was kidnapped with the deceased. He is the only witness of the occurrence.

6. Considering the above facts and circumstances of the case, I am not inclined to extend them the privilege of bail which is accordingly rejected.

7. However, the petitioners will be at liberty to renew



their prayer for bail after six months if the trial is not concluded.

(Ashok Kumar Pandey, J)

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