

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45992 of 2025

Arising Out of PS. Case No.-63 Year-2024 Thana- RAMNAGAR District- West Champaran

Mahadev Yadav S/o Late Ramdas Yadav R/o Vill- Belwa Mokri, Ward
No. 5, P.O. and P.S.- Ramnagar, Distt- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection
with S. Tr. No. 416/2025 arising out of Ramnagar P.S. Case
No. 63 of 2024 registered for the offences under Sections
363, 365 & 34 of the Indian Penal Code.

3. The accused/petitioner is not named in the First
Information Report and is in custody since 17.04.2025 on
surrender. Prior to this, petitioner was on provisional bail for
the period 29.11.2024 to 07.12.2024 as granted by the
learned trial court itself.

4. As per FIR, some named and unknown co-
accused persons kidnapped the minor son of the informant



who is still traceless.

5. It is submitted by learned counsel appearing on behalf of the petitioner that name of petitioner transpired during course of investigation on the basis of confessional statement of apprehended co-accused Shambhu Sah, who is also not named in the FIR and with whom son of the informant was last seen.

6. It is submitted that on the basis of aforesaid confessional statement, self-confession of the petitioner was also recorded in the police custody, in furtherance of which, no incriminating material recovered/surfaced as to connect the petitioner with the present crime in question.

7. It is pointed out by learned counsel that petitioner was on bail provisionally, which was not misused by him and, therefore, petitioner be enlarged on bail as no judicial purpose shall serve by keeping him behind the bar particularly when the investigation of this case is already completed.

8. Arguing further, it is submitted that initially the case was registered for the offence of kidnapping, and, subsequently, it was amended as kidnapping was made for



ransom but from perusal of FIR and during course of investigation, nothing transpired from where it can be said that any ransom demand was ever made by this petitioner to the informant.

9. It is submitted that informant was inimical terms with the other co-accused persons due to land dispute and, therefore, they were implicated with the present crime in question.

10. Learned A.P.P. for the State duly assisted by Mr. Ajeet Kumar Bhardwaj, learned counsel for the informant, while opposing the prayer for bail of the petitioner, submitted that co-accused Shambhu Sah, who confessed the name of this petitioner, asked for ransom of Rs. Four Lakhs.

11. Taking contrary note of the aforesaid submission, it is submitted by learned counsel for the petitioner that during investigation, it transpired that said amount was asked for searching of missing son of the informant and not for ransom.

12. Learned counsel for the informant further submitted that petitioner found involved in three more



criminal cases and he is a man of criminal antecedents.

13. Taking contrary note of the aforesaid submission, it is submitted by learned counsel for the petitioner that petitioner is on bail in the aforesaid three criminal cases.

14. In view of the aforesaid factual submission and by taking note of the fact as *prima facie* there is no demand of ransom against alleged kidnapping of son of the informant, where save and except suspicion arising out of confessional statement of apprehended co-accused, nothing transpired during course of investigation as to connect the petitioner with the present crime in question, coupled with the fact that investigation of this case is already completed and petitioner remains in custody for about five months, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bagaha, West Champaran, in connection with S. Tr. No. 416/2025 arising out of Ramnagar P.S. Case No. 63 of 2024, subject to the condition as laid down under



Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya
Nagarik Suraksha Sanhita (in short “B.N.S.S.”), with further
condition:

(i) Accused/Petitioner shall physically present on
each and every date before the Trial Court after
framing of charge till conclusion of the trial and
exemption from physical appearance be allowed
by the Trial Court, only on medical ground of the
petitioner duly supported by the documents.

(ii) That petitioner shall not made any attempt to
delay trial, failing so, the State/informant shall
be at liberty to move before the Trial Court itself
for the cancellation of bail bond of the petitioner,
which shall be decided by trial court itself after
giving opportunity of hearing to the petitioner.

(Chandra Shekhar Jha, J)

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