

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81938 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- FATUA District- Patna

Deepak Kumar S/O Nandu Saw Resident of near Co-operative Bank, Shisha Mill, Fatwah, P.S- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 63861 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- FATUA District- Patna

1. Ashok Singh @ Ashok Yadav @ Ashoke Yadav Son of Lakhandev Yadav @ Lakhandev Singh Resident of Village - Chainpur, Police Station - Khushrupur, District - Patna
2. Shatrudhan Singh @ Shatrudhan Yadav Son of Ram Lagan Yadav Resident of Village - Chainpur, Police Station - Khushrupur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 83385 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- FATUA District- Patna

1. Pramod Yadav @ Pramod Singh Son of Mandal Singh @ Suresh Singh Resident of Village- Chainpur, P.S.- Khushrupur, District- Patna
2. Golu Yadav @ Golu Singh @ Dharmendra Singh Son of Mandal Singh @ Suresh Singh Resident of Village- Chainpur, P.S.- Khushrupur, District- Patna
3. Dilip Yadav @ Dilip Singh @ Dilip Kumar Son of Late Awadhesh Yadav @ Awadhesh Singh Resident of Village- Chainpur, P.S.- Khushrupur, District- Patna
4. Guddu Yadav @ Duddu Singh Son of Late Awadhesh Yadav @ Awadhesh Singh Resident of Village- Chainpur, P.S.- Khushrupur, District- Patna
5. Subodh Singh Son Late Jageshwar Singh @ Jugeswar Singh Resident of Village- Chainpur, P.S.- Khushrupur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 81938 of 2024)
For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP
(In CRIMINAL MISCELLANEOUS No. 63861 of 2024)
For the Petitioner/s : Mr.Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP
(In CRIMINAL MISCELLANEOUS No. 83385 of 2024)



For the Petitioner/s : Mr.Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 23-07-2025 All the three cases arise out of same P.S. and hence,
are being taken up together.

2. Heard learned counsel for the petitioners and
learned APP for the State.

3. The petitioners apprehend their arrest in
connection with Fatuha P.S. Case no.33 of 2024 registered under
sections 363, 365 and 120 of the Indian Penal Code.

4. The case of the prosecution is that informant's
husband had left the house for going to Nutan Petrol Pump but did
not return. Upon inquiry, the informant came to know that seven
named accused persons including the petitioners in Cr. Misc. No.
63861 of 2024 and Cr. Misc. No. 83385 of 2024 had taken him
away on Scorpio vehicle.

5. Learned counsel for the petitioners submits that it would be
apparent from the F.I.R itself that the said information is purely
based upon suspicion as no source of information has been
indicated in the F.I.R as to how the informant got to know any act
of kidnapping and details of the named accused persons. It has
further been submitted that there was a dispute between the
petitioners and the husband of the informant with regard to
business and this is the sole reason why the names of these persons



have been taken. During course of investigation, the family and relatives of the informant have stated that there was a dispute with regard to money transaction and the *factum* of kidnapping was not supported as per paragraph 18 of the case diary. Further, paragraph no. 25 of the case diary also indicates that victim was found at Nutan Petrol Pump and no staff of the said petrol pump claims to be an eyewitness to either the victim being kidnapped or left at petrol pump. The only material which appears against the petitioners is the statement of the victim himself recorded under Section 161 as well as 164 Cr.P.C wherein he has given the story of him being taken by the F.I.R named accused persons in a Scorpio vehicle and being made to sign on a stamp paper with regard to sale of land. So far as petitioner Deepak Kumar in Cr. Misc. No. 81938 of 2024 is concerned, he was not named in the F.I.R as an accused was not there on the Scorpio vehicle as per 164 Cr.P.C statement. Accused Pramod Yadav (petitioner in Cr. Misc.No. 83385 of 2024) was also not present at the scene of occurrence.

6. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that the victim was forcibly kidnapped and was made to sign on certain documents.

7. Taking into the consideration the fact that the factum of kidnapping is not supported by any other independent source



and there is no allegation of any assault or of even being armed with any weapon etc., and also considering the fact that the petitioners have no criminal antecedent, it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Fatuha P.S. Case no.33 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the following conditions:-

(I) One of the bailors of the petitioners shall be the family member/close relative of the petitioners.

(II) They shall co-operate in the investigation/trial and would make himself available before the Investigating Officer as and when required till investigation is concluded against him.

(Soni Shrivastava, J)

Harsh/-

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