

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73584 of 2024

Arising Out of PS. Case No.-92 Year-2016 Thana- GAMAHARIYA District- Madhepura

Vageshwari Yadav @ Bageshwari Prasad Yadav S/o- Late Saburdatt Yadav
Village- Jivachhpur ward 7, P.S- Gamahariya Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Dinesh Prasad Verma, learned counsel

for the petitioner and Mr. Anant Kumar-1, learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Gamaharia P.S. Case No. 92 of 2016, F.I.R. dated 12.07.2016 registered for the offences punishable under Sections 363, 364, 34, 302, 201 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons have abducted the grand daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not



committed any offence as alleged in the F.I.R. He further submits that the informant is not an eye witness of the alleged occurrence and due to previous dispute the petitioner has been falsely implicated in the present case. Learned counsel for the petitioner further submits that after investigation police has submitted final form in favour of the petitioner on 27.02.2018 vide charge sheet no. 28 of 2018 but the learned Court below differed with the final report took cognizance against the petitioner and other co-accused persons under Sections 363, 366A and 302 of the Indian Penal Code on 04.07.2024 and apart from that nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence except suspicion and due to political rivalry, the petitioner has been falsely implicated in the present case.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and apart from that the petitioner carries four more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of four cases, the police has submitted final form in three cases and in one case the petitioner has been acquitted from the charges levelled against him.



6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Judicial Magistrate 1st Class, Madhepura in connection with Gamaharia P.S. Case No. 92 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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