

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78837 of 2024

Arising Out of PS. Case No.-425 Year-2024 Thana- PARSABAZAR District- Patna

Sanjay Kumar Yadav @ Sanjay Yadav Son of Sri Rajeshwar Singh Resident
New Bigrahpur, P.S.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Advocate
For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP
For the victim : Mr. Nikesh Kumar, Advocate
Mr. Akshansh Shankar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 4 21-04-2025 1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.
2. The petitioner apprehends his arrest in connection with Parsa Bazar P.S. Case no.425 of 2024 registered under sections 140(1), 140(3) and 61(2) of the B.N.S., 2023.
3. As per the prosecution case, friend of the informant Awadhesh Prasad was kidnapped from a plot by the four unknown accused persons including the petitioner herein and he was taken away in a car.
4. Learned counsel for the petitioner submits that the F.I.R was registered against unknown. The name of the petitioner has transpired during course of investigation on the basis of confessional statement of co-accused Hira Prasad and



Neeraj Kumar who were allegedly the drivers of the petitioner and earlier driver Hira was ousted from his job by the petitioner. He further submits that the victim was recovered within two hours of the occurrence and subsequently his statement was recorded under Section 161 of the Cr. P.C. wherein he stated that he was taken by the four accused persons to Bigrahapuram Development Office, Soranpur, who assaulted him. He has further stated that one person amongst them was being referred as Sanjay Bhaiya and further he was taken to another place by them, one of whom was one Hira. In this context, learned counsel for the petitioner submits that the petitioner Sanjay Kumar Yadav was already known to the victim. In such view of the matter, there was no need for the victim to say that one person was being referred as Sanjay Bhaiya, rather he could have disclosed that the present petitioner was also present at the place where he was taken. The name of Sanjay has also not been taken amongst the persons who assaulted the victim or the persons who had taken away the victim from there to some other place. After two days of occurrence, the statement of the victim was recorded under Section 164 Cr.P.C. In his statement, he had also taken the name of one Sanjay Singh as a person who asked him to sit in a hall



and got him assaulted by Chiku and Dhiru. There seems to be difference between the statements of the victim recorded under Section 161 and Section 164 of the Cr.P.C and the petitioner also submits that one of the petitioner is Sanjay Yadav and not Sanjay Singh. Learned counsel further submits that the petitioner herein is the Director of Bigrahpuram Developers Pvt. Ltd. who had entered into an agreement for sale of land with one another person on 30.05.2023 which had become the point of dispute between the petitioner and the victim. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the victim who submits that the petitioner is one of the persons who were involved in the kidnapping of the victim. He further submits that the C.D.R collected during the course of investigation also shows that the petitioner had talked with other accused persons.

6. Taking into consideration the fact that the victim was recovered in two hours and with regard to the allegation of assault by four accused persons, there is no injury report available on record and also considering the fact that the petitioner and the victim was already known to each other and



yet the victim in his statement does not indicate the same, it is directed that the petitioner above named, having no criminal antecedent in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Parsa Bazar P.S. Case no.425 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna, 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.

(Soni Shrivastava, J)

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