

Sanjay Yadav @ Prince Kumar vs The State Of Bihar on 21 June, 2022

Author: Alok Kumar Pandey

Bench: Alok Kumar Pandey

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42267 of 2021
Arising Out of PS. Case No.-19 Year-2020 Thana- NAWADA MUFFASIL District

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SANJAY YADAV @ PRINCE KUMAR Son of Umesh Yadav Resident of
Village - Mangar Bigha, P.S.- Nawada, District - Nawada

Versus

The State of Bihar

... .. P
... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate
		Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar
For the Informant:		Amaresh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-06-2022

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Muffasil P.S. Case No. 19/2020 registered for the offences punishable under Sections 364, 34 of the I.P.C. further added 302, 201, 34 of the Indian Penal Code.

As per prosecution case on 25.01.2020, the informant admitted his wife for delivery in Ma Sadan and a child was born from operation. Raushan Kumar brings food from Tetaria village everyday. In course of bringing food on motorcycle on 28.01.2020 in evening Raushan reached at Dadaur. The petitioner and other Patna High Court CR. MISC. No.42267 of 2021(3) dt.21-06-2022 surrounded informant's brother and kidnapped him.

Learned counsel for the petitioner submits that there is no any eye witness of the said occurrence and it has further submitted that nothing is recovered to connect the petitioner in the said occurrence.

Learned counsel for the petitioner is submitted that the petitioner is behind the bar since 15.03.2021 without any fault of his part and it has further submitted that the petitioner is quite innocent and has not committed any offence rather he has falsely implicated in this case. Petitioner has been made accused on the basis of the confessional statement of co-accused Mantu Kumar @ Mantu Kumar Yadav, who has already been granted bail in Cr. Misc. No. 24107/2020 by this Hon'ble Court vide order dated 08.01.2021.

Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Patna High Court CR. MISC. No.42267 of 2021(3) dt.21-06-2022 learned Chief Judicial Magistrate Nawada in connection with Muffasil P.S. Case No. 19/2020, subject to following conditions:-

- (i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.
- (ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.
- (iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J) kamlesh/-

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