

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38615 of 2015

Arising out of PS.Case No. -65 Year- 2012 Thana -DUMARIA District- GAYA

Binay Bhuiyan, Son of Nandu Bhuiya, resident of Village- Narayanpur Tla Bhuiyandih, P.s Dumaria, District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mrigendra Pratap Singh, Advocate.

For the Opposite Party : Mr. Suman Kri Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 30-10-2015 Learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 3 of the petition.

Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 26.10.2012 in connection with Sessions Trial No. 26 of 2015/164 of 2015, arising out of Dumaria P.S. Case No. 65 of 2012 for the offences instituted under Sections 307/34, 120(B) of the IPC and 25(1-B)A, 26, 27 and 35 of the Arms Act.

The prosecution story, in brief, is that on 23.10.2012 at about 7.00 A.M., the son of the informant, namely, Satish Kumar, was kidnapped by unknown culprits in front of the house of Jagdish Das situated in Narayanpur and the informant has lodged



the F.I.R. The informant searched his son but could not trace out. On 24.10.2012, he received telephonic message that his son is in their possession and demanded Rs. 20,00,000/- rupees to release his son. After several request, the accused persons became ready to take two lacs money and asked him to arrive in the village-Pakriya. When the informant alongwith his associates arrived in Village-Pakriya, home of the accused person was found. The informant received the telephonic message on another call to come with money near the bank of Morhar river and also threatened. The informant reached there and sat down alongwith his associates. Later on, two miscreants arrived there covered their face and demanded the money. The informant asked to release his son. In the meantime, one miscreant was arriving towards informant with his son. Seeing the miscreants, he alongwith his associates ran towards the accused to apprehend. But the miscreants fired upon them. But the informant caught hold of his child Satish and also apprehended the accused. The accused person told the involvement of accused person named Kishun and also told the involvement of one accused person Amarjeet and also told the involvement of accused Bhola and Vinay Bhuiyan and also apprehended the accused person named Vinay Bhuiyan.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 26.10.2012 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. In respect to the same occurrence, two cases were lodged. One was for the offence under Section 364(A)/34 IPC and other was for an offence under Section 307 IPC. At the time of recovery of the victim, one of the co-accused, namely, Mithun Bharti was apprehended by the villagers who disclosed the name of this petitioner and other co-accused, namely, Mahendra Bhuiyan. On the basis of disclosure made by the said co-accused, namely, Mithun Bharti, the villagers raided the house of this petitioner and other co-accused, namely, Mahendra Bhuiyan. Mithun Bharti was assaulted by the villagers and in respect to that the present case was instituted for an offence under Section 307 IPC in which the petitioner was also made accused. From perusal of the FIR., it appears that there is no offence under Section 307 IPC is made out against the petitioner.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Judge-

IX, Gaya, in connection with Sessions Trial No. 26 of 2015/164 of
2015, arising out of Dumaria P.S. Case No. 65 of 2012.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

