

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43930 of 2015

Arising Out of PS.Case No. -541 Year- 2014 Thana -GAYA MUFFSIL District- GAYA

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Durga Kumar @ Durga Mahto, Son of Kailash Mahto, resident of Village-
Khajahanpur, Police Station- Buniyadganj in the district of Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.51757 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

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Gopal Pathak Son of Sri Lakshmi Pathak resident of Village: Surhari
(Nauranga), P.s Mofasil, Dist: Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.43930 of 2015)

For the Petitioner : Mr. Sunil Kumar

For the Opposite Party : Mr. Manish Kumar 2 (App)

(In Cr.Misc. No.51757 of 2015)

For the Petitioner : Mr. Nityanand

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-12-2015 Heard the counsel for the petitioners and counsel for the

State.

The petitioners are languishing in jail since 31.12.2014
(Cr. Misc.No.43930 of 2015) and 21.12.2014 (Cr.Misc.No.51757
of 2015) respectively in a case instituted under Section 365 of the
Indian Penal Code.

As per prosecution case that there is a kidnapping of
informant's son by unknown persons when he was coming back

to his house from the shop on his motorcycle.

It has been submitted on behalf of the petitioners that the petitioners are languishing in custody since 31.12.2014 (Cr. Misc.No.43930 of 2015) and 21.12.2014 (Cr.Misc.No.51757 of 2015) respectively. Chargesheet has been submitted in the case. There is no allegation of tampering of evidence against the petitioners. Petitioners are not named in the FIR. The name of the petitioners have come in the confessional statement of the co-accused as well as the confession made by the victim in her statement under Section 164 Cr.P.C. The victim disclosed the name of the petitioner and some other accused persons claiming that he had heard the name of petitioners and others during course of conversation of criminals. The other co-accused have been granted bail by this Court vide Cr.Misc.Nos.35591 of 2015 and 37102 of 2015.

On behalf of the State, it has been submitted that the petitioners are not named in the FIR.

Considering the aforesaid facts and circumstances, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Gaya in connection with Gaya Muffasil P.S.Case No.541 of 2014.

(Sudhir Singh, J)

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