

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43616 of 2015

Arising Out of PS.Case No. -161 Year- 2014 Thana -LAUKHI District- MADHUBANI

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Shiv Jee Mandal Son of Late Dhodhai Mandal, resident of Village-
Hariyahi, P.S.- Nirmali, District- Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.44951 of 2015

Arising Out of PS.Case No. -161 Year- 2014 Thana -LAUKHI District- MADHUBANI

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Prem Kumar Mandal, Son of Deo Narayan Mandal, resident of Village-
Hariyahi, Police Station- Nirmali, District- Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.43616 of 2015)

For the Petitioner : Mr. Gagan Deo Yadav

For the Opposite Party : Mr. Satyendra Narayan Singh(App)

(In Cr.Misc. No.44951 of 2015)

For the Petitioner : Mr. Arvind Kumar

For the Opposite Party : Mr. Anuj Kr.Srivastava(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-11-2015 Heard the counsel for the petitioners and counsel for the

State.

The petitioners are languishing in jail since 01.08.2015

in a case instituted under Sections 365 and 34 of the Indian Penal

Code.

As per the prosecution case, it is a case of kidnapping

of the informant's son as well as demand of ransom by the

accused persons.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 01.08.2015. 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. Subsequently, after five months, an application was filed by the informant. In that application, the petitioners were not named. Thereafter, a protest petition was filed by the informant. In the said protest petition also, the petitioners were not named. After a period of nine months, restatement of the informant was recorded by the police which is contained in para-128 of the case diary where the informant has named these petitioners. Except for that, there is no other fact to suggest the implication of the petitioners in the present case.

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 ACJM, Jhanjharpur, Madhubani in connection with Laukahi P.S.Case No.161 of 2014.

(Sudhir Singh, J)

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