

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32088 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -JHAJHA District- JAMUI

1. Kundan Barnwal @ Kundan Kumar Son of Triveni Prasad, resident of village - Borwa, P.S. - Jhajha, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.50898 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -JHAJHA District- JAMUI

Monu Barnwal, son of Devsharan Prasad Barnwal, Resident of Village- Darima, P.S. Khaira, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.50987 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -JHAJHA District- JAMUI

Munna Hembrum son of Ganesh Hembram, resident of Village- Narganjo, P.S. Jhajha, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.32088 of 2015)

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

(In Cr.Misc. No.50898 of 2015)

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Ashok Kumar Singh 1 (App)

(In Cr.Misc. No.50987 of 2015)

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary No.1 (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 05-11-2015

The three Criminal Miscellaneous arise out of the same occurrence and as such all have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well as the learned A.P.P.

The petitioners seek bail in a case for the offence punishable under section 364 A of the I.P.C

It is submitted that the petitioners are not named in the F.I.R. and have falsely been implicated in this case. No kidnapping actually has been taken place and on the very day of lodging of the F.I.R. the victim himself came back. The victim has only stated the vague names Sonu, Monu, Ranjeet and Munna. No test identification parade has been conducted though the petitioners are suffering in custody since 20.02.2015, 21.05.2015 and 26.05.2015 respectively. Similarly situated co-accused Monu Baranwal @ Niwas Baranwal has been allowed bail vide Cr. Misc. No. 17516 of 2015 by order dated 20.07.2015 by another coordinate Bench of this Court and co-accused Raj Kumar Baranwal and Sonu Barnwal @ Vikash Kumar Bharti have already been allowed bail by this Court and as such the petitioners also deserve sympathetic consideration.

The learned A.P.P. submits that the witnesses have

stated that they were moving near the Bank.

In the facts and circumstances as stated above, considering that the petitioners have not been put on test identification parade and against them there is vague allegation and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M. Jamui in Jhajha P.S. Case No. 18 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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