

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34832 of 2015

Arising Out of PS.Case No. -306 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Tuntun Mandal @ Arbind Kumar Mandal S/o Late Ambika Prasad
Mandal Resident of Village Baniyachak, P.S. Barahat, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 01-12-2015 Heard the learned counsel for the petitioner, the
learned A.P.P as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 364 A, 120B/34 and 302 of the I.P.C

Allegedly, Kishori Prasad Yadav, the husband of the
informant along with co-accused Ranjeet Kumar went to attend
feast of Chhathi but did not return and her husband informed her
through mobile that he is with Tuntun Mandal and others and
thereafter mobile of her husband was switched off and on enquiry
the relatives told that her husband was going in the night with
Ranjeet Kumar, Tuntun Mandal, Uttam Singh and Manoj Sah and
further Ranjeet Kumar told the informant to arrange Rs.

10,00,000/- to release her husband and on mobile of her husband also ransom was demanded. During investigation Ranjeet Kumar and the petitioner gave their confessional statement.

Submission is of false implication and that there is no direct evidence against the petitioner. The confessional statement made before the police has got no evidentiary value in the eye of law, even in the confessional statement the petitioner is not the assailant and his Car was being driven by co-accused Uttam Singh when the petitioner has refused. The petitioner is suffering in custody since 24.05.2015 having no criminal antecedent. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner was also involved in kidnapping of husband of the informant and further he has provided Car.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and against the petitioner there is no direct evidence and as such the petitioner is directed to 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 C.J.M. Bhagalpur in Kotwali (Barari) P.S. Case No. 306 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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