

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30831 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -TEKARI District- GAYA

1. Kush Kumar S/o Vishwanath Rai resident of village - Malsari, P.S. Tekari, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.44024 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -TEKARI District- GAYA

1. Sidheshwar Manjhi @ Sideswar Manjhi son of Late Moti @ Modi Manjhi, resident of village- Kadirpur, Police Station- Belaganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.30831 of 2015)

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Opposite Party/s : Mr. B.M.P.Sinha(App)

(In Cr.Misc. No.44024 of 2015)

For the Petitioner/s : Mr. Sanjay Kr. Sinha

For the Opposite Party/s : Mr. Rajiv Nayan (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 02-11-2015 Both the Criminal Miscellaneous arise out of the same occurrence and as such both 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 offences punishable under section 394 of the I.P.C

Three unknown persons wrapping their faces with towel stopped the tempo and asked to hand over the mobile set and when the informant requested not to do such thing he was shot by country made katta and they snatched mobile no. 9631138533 of Bahnoi of the informant. During investigation the snatched mobile has been recovered from possession of petitioner Kush Kumar and the petitioner Kush Kumar has confessed his guilt stating the name of his other associates.

Submission is of false implication and that the petitioner Kush Kumar has been made victim of the circumstances. The snatched mobile shown to be recovered from his possession is plantation of the police and his confession has been recorded after adopting third degree method. On behalf of petitioner Sidheshwar Manjhi @ Sideswar Manjhi it has been submitted that besides the confessional statement of co-accused there is nothing against him and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering detention of the petitioners and further that charge sheet has already been submitted and there is no chance of

tampering with the prosecution evidence now both 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. Gaya in Tekari P.S. Case No. 20 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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