

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30749 of 2015

Arising Out of PS.Case No. -755 Year- 2014 Thana -KHAZANIHAT District- PURNIA

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Ajay Sharma son of Late Sarweshwar Sharma, R/o village- Marangi, P.S.-
Mansahi, District- Katihar, at present at Mithapur, Ward No. 4, Dalkola,
P.S.- Karan Dighi, District- Uttar Dinajpur (West Bengal)

.... Petitioner

Versus

The State of Bihar..... Opposite Party

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with

Criminal Miscellaneous No.31639 of 2015

Arising Out of PS.Case No. -755 Year- 2014 Thana -KHAZANIHAT District- PURNIA

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1. Ramesh Uraon S/o Late Munna Uraon Resident of Village Pokhariya,
Gunda Chauk, P.S. Sadar, District Purnea..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

(In Cr.Misc. No.30749 of 2015)

For the Petitioner/s : Mr. Nagendra Pd. Yadav

For the Opposite Party/s : Mr. Ganesh Pd.Singh(App)

(In Cr.Misc. No.31639 of 2015)

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Zainul Abedin (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 30-10-2015 Above noted both applications have arisen out of one

occurrence i.e. K. Hat P.S. Case No. 755 of 2014 registered for the

offences punishable under Sections 379, 364 (A), 364, 120B, 302, 411

and as such they have been heard together and are being disposed of by

this common order.

Allegedly, an Auto Rickshaw bearing Regd. No. BR11M-
4492 was taken on hire and driver Md. Rojid went with unknown
passenger and when the Auto Rickshaw did not return, the informant



called the said passenger on mobile phone but that was found switched off and thereafter, at 2:00 pm from mobile no. 08759780901 and 09576070978 ransom of rupees one lac was demanded on the mobile phone of the informant bearing no. 9534647372 for releasing the said Auto Rickshaw with driver, then the informant started searching the vehicle and driver and during course of search on 17.09.2014 the Auto Rickshaw was found lying near a Dhaba at Madpur which was kept at Dalkola Police Station. On 18.09.2014 the informant again received a call from mobile no. 08759780901 on his mobile causing threats that he has got the Auto Rickshaw but has lost the driver. During investigation the dead body of the driver was recovered and co-accused Kanahiya Sharma was caught with illegal firearm and he confessed his guilt regarding his involvement in this crime and from his possession his mobile bearing no. 9576070978 was recovered through which the ransom was demanded and he disclosed the name of the petitioners and others and stated that the mobile of the tempo driver was kept by Ajay Sharma (petitioner) and thereafter, the petitioners were arrested. From possession of Ajay Sharma a black coloured Karbon mobile having two sim number was recovered.

Submission is of false implication and besides the confessional statement of co-accused Kanahiya Sharma there is nothing against the petitioners. Chargesheet has already been submitted without any cogent and legal material and the petitioners are suffering in custody since 25.11.2014 as such the petitioners deserve sympathetic

consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioners above named of both the cases are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge, Purnea in Sessions Trial No. 50 of 2014 arising out of K. Hat P.S. Case No. 755 of 2014, 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.

avin/-

(Jitendra Mohan Sharma, J)

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