

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27845 of 2015

Arising Out of PS.Case No. -64 Year- 2015 Thana -JHAJHA District- JAMUI

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1. Sanjay Rawat Son of Suresh Rawat
2. Dinesh Yadav Son of Rajendra Yadav
Both are resident of village - Dhamna, Police Station - Jhajha, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.31724 of 2015

Arising Out of PS.Case No. -64 Year- 2015 Thana -JHAJHA District- JAMUI

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1. Mukesh Yadav Son of Late Parmeshwar Yadav Resident of village - Nouakura, P.S. Jhajha, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.27845 of 2015)

For the Petitioner/s : Mr. Kumar Dharendra Pratap Singh

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

(In Cr.Misc. No.31724 of 2015)

For the Petitioner/s : Mr. Arjun Pd. Keshri

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-10-2015 Above noted both the applications have arisen out of one occurrence i.e. Jhajha P.S. Case No. 64 of 2015 registered for the offence punishable under Section 364A of the Indian Penal Code as such they have been heard together and are being disposed of by this common order.

Allegedly, Motka Murmu and Prem Sagar Chaudhary the two labourers of construction company of the informant were



kidnapped on 22/23.04.2015 and a call from mobile no. 8252660389 was received on his mobile no. 9801021012 wherein threats were caused for not doing work on the site. Munshi of Baba Hans Construction Company, namely, Pintu was noticed again and again by that mobile for demanding ransom from them.

During investigation name of the petitioners transpired in the confessional statement of Mahendra Sah and petitioner Mukesh Yadav has stated that he kept the victim Prem Sagar Chaudhary in the house of Bengali Yadav of village Naukura.

Submission is of false implication and that the victim Prem Sagar Chaudhary after his release has not stated the name of the petitioners and at the instance of local enemies and in connivance of local people the petitioners have been implicated due to business rivalry of two petty contractors. The petitioners are not named in the FIR and there is no materials showing their involvement, nothing has been recovered from their possession except one mobile without sim from possession of Mukesh Yadav. From the call details of mobile, involvement of petitioner Mukesh Yadav also does not transpire. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence. The petitioners are in custody since 07.05.2015.

Learned APP opposes the prayer of bail by submitting

that Mukesh Yadav has confessed his guilt and further in the impugned order it has come that he was using the mobile and ransom of Rs. 60,000/- was demanded.

In the facts and circumstances stated above, considering the period of detention of the petitioners and further that victim has been safely released and has not stated the names of the petitioners, 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 Sub Divisional Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 64 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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