

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32731 of 2015

Arising Out of PS.Case No. -705 Year- 2014 Thana -SAHARSA District- SAHARSA

1. Parem Kumar Verma @ Prem Kumar Verma Son of Chandeshwar Verma Resident of Village - Pashupalan Colony Ward No. 2, P.S. - Saharsa, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Ajay Kumar 2 (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-11-2015 Heard learned counsel for the petitioner as well as learned A.P.P.

The petitioner seeks bail in a case registered for the offences punishable under section 364/34 of the Indian Penal Code.

Allegedly the daughter of the informant was kidnapped by the brother of the petitioner Mantu Kumar Verma for which Saharsa Sadar P.S. Case No. 267 of 2009 was registered wherein the petitioner was also made accused and during investigation in the statement under section 164 Cr.P.C. the victim girl has stated that she performed love marriage with Mantu Kumar Verma but subsequently during trial she retracted

from the initial version and thereafter again the victim girl has been kidnapped giving rise to the present case.

Submission is that the brother of the petitioner is in custody and the main allegation is against the brother of the petitioner. Similarly situated co-accused Chandeshwar Verma, who is father of the petitioner has been allowed bail Vide Cri. Misc. No. 10495 of 2015 by order dated 19.03.2015 and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposed the prayer for bail and stated that the victim girl is still traceless and as such the petitioner does not deserve bail as he is the brother of the main accused.

In the facts and circumstances as stated above and considering the fact that similarly situated co-accused Chandeshwar Verma has been granted bail by a coordinate Bench of this, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of C.J.M, Saharsa in Saharsa Sadar P.S. Case No. 705 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 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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