

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35736 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -GAURICHAK District- PATNA

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1. Lakshami Das Son of Late Parmeshwar Das, resident of village- Akhara-
par, Fatehpur, P.S.- Didarganj, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.38710 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -GAURICHAK District- PATNA

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1. Pankaj Das son of Sri Shivrath Das, resident of Village- Valipur, P.S.-
Gaurichak,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.35736 of 2015)

For the Petitioner/s : Mr. Ranjit Jha

For the Opposite Party/s : Mr. Manoj Kumar No.1(App)

(In Cr.Misc. No.38710 of 2015)

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

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

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

ORAL ORDER

3 23-11-2015 Above noted applications have arisen out of one

occurrence i.e. Gaurichak P.S. Case No. 39 of 2015 registered

under Sections 364/34 of the Indian Penal Code as such they have

been heard together and are being disposed of by this common

order.

Allegedly, some unknown miscreants at the point of pistol took away Bikash Kumar aged 8 years the son of the informant and during investigation he was recovered and his statement has been recorded under Section 164 Cr.P.C.

Submission is of false implication and that the petitioners are not named in the FIR and their names have not been taken in the statement recorded under Section 164 Cr.P.C. and also in the statement of the witnesses. Confessional statement of co-accused Budhu Ravidas got no evidentiary value in the eye of law. The petitioners have not been put on test identification parade and as such they deserve sympathetic consideration. Similarly situated other co-accused Mantoo Chaudhary, Ashok Ravidas, Sanjay Rabidas and Satyendra Ravidas have been allowed bail by another co-ordinate Benches of this Court. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP fairly submits that other co-accused have been allowed bail and names of the petitioners have come in confessional statement of co-accused.

In the facts and circumstances stated above, the petitioners above named of both the cases above named 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 Shri Sanjay Kumar-IV, J. M. Ist Class, Patna City in connection with Gauri Chak Patna P.S. Case No. 39 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.

avin/-

(Jitendra Mohan Sharma, J)

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