

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23794 of 2015

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

=====

1. Fakira Karmkar @ Shambhu Karmkar @ Fakira Son of Hari Mohan Karmkar resident of Mohalla - Dalkola Bazar, Police Station - Karan Dighi, District - Uttar Dinajpur (West Bengal)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Ansarul Haque(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 05-10-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

Petitioner seeks bail in connection with K. Hat P.S. Case No. 755 of 2014 (Sessions Trial No. 50 of 2015) registered for the offences punishable under Sections 379, 364, 120(B), 328, 302, 201 and 411(34) of the Indian Penal Code.

Allegedly an Auto Rickshaw bearing registration no. BR-11-M-4492 was taken on hire and driver Md. Rozid went with unknown passenger with Auto Rickshaw and when the said Auto Rickshaw did not return, the informant called the said passenger on mobile phone but was switched off and thereafter at about 2.00 p.m. from mobile nos. 08759780901 and 09576070978 a ransom of Rs. one lac was demanded on the mobile phone of the informant bearing no. 9530647372 for releasing the said Auto



Rickshaw with driver then the informant started searching the vehicle and driver. During the 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 number causing threat that he has got Auto Rickshaw but has lost the driver. During investigation, the dead body of the driver was recovered and co-accused Kanhaiya Sharma was caught with illegal fire arm and he confessed his guilt regarding his involvement in the crime and from his possession, a mobile bearing no. 9576070978 was recovered through which the ransom was demanded and he stated the name of the petitioner and others and further stating that mobile recovered from the tempo driver was kept by Ajay Sharma and thereafter the petitioner and Ajay Sharma were also arrested.

Submission is of false implication and besides the confessional statement of co-accused Kanhaiya sharma, there is nothing in the case diary against the petitioner. No incriminating article has been recovered from the possession of the petitioner and without any material chargesheet has been submitted against him. Petitioner is suffering in custody since 20.09.2014 having no criminal antecedent.

The learned A.P.P. fairly submits that the name of the petitioner has come in the confessional statement of Kanhaiya Sharma but no incriminating article has been recovered from his possession.

In the facts and circumstances stated above, 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 the like amount each to the satisfaction of the Learned 1st Additional Sessions Judge, Purnea arising out of K. Hat P.S. Case No. 755 of 2014 subject to the conditions that one of the bailors must be 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)

sushma/-

U			
---	--	--	--