

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44112 of 2015

Arising out of PS.Case No. -67 Year- 2015 Thana -THAWE District- GOPALGANJ

Sarwar Ali @ Pintu @ Sarwal Ali, S/o Shaukat Ali, R/o Mohalla - Shekh Toli, P.S. Bhagwan Bazar, District – Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Harish Kumar, Advocate.

For the Opposite Party : Mr. Abhay Kumar 1 (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-12-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 19.06.2015
in connection with Thawe P.S. Case No. 67 of 2015 for the
offences instituted under Section 364/34 of the IPC.

The prosecution story, in brief, is that the informant's
son, namely, Haidar Ali @ Sojnand Munshi, Dharmendra
Upadhyay was present at the shop, at about 5.30 where the
accused Saddam Hussain who is in habitant of village Dhangaraha
P.S. Baniapur, District-Chpara, came with five associates and
kidnapped Haidar Ali @ Sonu and took him away on Scorpio
vehicle bearing Registration No. BR-31P/8283.

It has been submitted on behalf of the petitioner that the

petitioner has got no criminal antecedent. The petitioner is in custody since 19.06.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. The petitioner is not named in the FIR. There is no direct or indirect evidence against this petitioner. The victim has been recovered but no statement under Section 164 Cr.P.C. has been recorded by the police. Except for confessional statement of the petitioner there is no other evidence to suggest his implication in the present case.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R. The name of the petitioner has come in course of investigation.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj in connection with Thawe P.S. Case No. 67/2015.

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(Sudhir Singh, J)