

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5471 of 2015

Arising Out of PS.Case No. -139 Year- 2014 Thana -SARSI District- PURNIA

1. Gautam Kumar Yadav @ Gautam Anand @ Laddu Son of Sukhdeo
Yadav resident of village - Pipra, P.S. Banmankhi, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Aggrawal, Sr. Advocate
Mr. Vijay Anand

For the Opposite Party/s : Mr. C.Jawahar(App)

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

3 04-03-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Sarsi P.S.
Case No. 139 of 2014 registered for the offences punishable under
Sections 363, 364/34 of the Indian Penal Code.

Allegedly, Mintu Kumar the son of the informant
had gone to Sarsi Bazar by motorcycle, thereafter, he became
traceless in between 5.00 pm to 6.00 pm along with his
motorcycle. On the same day Shashi Kumar Yadav informed
telephonically to the informant that he along with 7-8 persons are
going to Balutol for compromise with informant's son Mintu
Kumar because Mintu Kumar was acting unlawfully and

accordingly, it has been alleged that Shashi Kumar Yadav and others have kidnapped Mintu along with his motorcycle and they have killed him and concealed the dead body with motorcycle. Again Shashi Kumar Yadav informed telephonically to the informant that he is at Punjab and his son has been finished.

Submission is that the petitioner is not named in the FIR and his name has come on the basis of call details of mobile phones of the FIR named accused persons and also the details of the petitioner and Police after adopting 3rd degree method has recorded his confessional statement which has no legal evidence and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 18.10.2014 and in this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer for bail of the petitioner.

In the facts and circumstances stated above, considering the period of detention and in this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 Sri R. K. Sinha, J. M. Ist Class, Purnea in connection with Sarsi P.S. Case No. 139 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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