

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14739 of 2015

Arising Out of PS.Case No. -136 Year- 2014 Thana -NAWADA MUFFASIL District- NAWADA

Prakash Kumar Jha @ Munna Kumar Jha Son of Shree Shyam Nandan Jha,
Resident of Village - Bhadhokhra, P.S. - Muffasil, District - Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.15778 of 2015

Arising Out of PS.Case No. -136 Year- 2014 Thana -NAWADA MUFFASIL District- NAWADA

SANJAY SINGH @ PIKU S/o Sri Upendra Prasad Singh @ Upendra Singh
R/o- Mafi, P.S.- Warsaliganj, Distt.- Nawada

... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.14739 of 2015)

For the Petitioner/s : Mr. Rajesh Ranjan Kumar

For the Opposite Party/s : Mr. U.S.P.Singh(App)

(In Cr.Misc. No.15778 of 2015)

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Mukesh Kr.Singh(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 28-07-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioners of Cr. Misc. No. 14739 of 2015 and
Cr. Misc. No. 15778 of 2015 are in custody since 09.10.2014 and
05.11.2014 respectively in connection with Muffasil P.S. Case
No. 136 of 2014 for the offence registered under Section 364 of
the Indian Penal Code.

Learned counsel for the petitioners submits that both



the petitioners are not named in the first information report and subsequently their name surfaced in the present case on the basis of confessional statement made before the police by another co-accused, which is of no evidentiary value. Learned counsel for the petitioner further submits that the victim, in question, has since been recovered and his statement has been recorded under Section 164 Cr.P.C., in which neither of the petitioners have been named by the victim.

Learned counsel for the State submits that so far as the petitioner of i.e Cr. Misc. No. 15778 of 2015, namely, Sanjay Singh is concerned, he has got criminal history, which is controverted by the learned counsel for the petitioner, stating that in one case the petitioner has already been acquitted and in the other case neither the production warrant has been issued nor was he remanded in connection with the same, in which he is said to have been involved. So far as petitioner, namely, Prakash Kumar Jha of Cr. Misc. No. 14739 of 2015 is concerned, he has no criminal antecedents.

Considering the nature of allegation and also the statement made by the victim under Section 164 Cr.P.C. and that the petitioners have been custody more than 8 months, let the petitioner above named be released on bail on furnishing bail bond

of Rs. 10,000/- (ten thousand) each with two sureties of the like
amount each to the satisfaction of the Chief Judicial Magistrate,
Nawada in connection with Muffasil P.S. Case No. 136 of 2014.

(Anjana Mishra, J)

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