

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.435 of 2016

Arising Out of PS.Case No. -461 Year- 2015 Thana -FORBESGANJ District- ARRARIA

1. Md. Munna @ Md. Munna Alam Son of Md. Kuddus @ Kuddus
Resident of Village - Aurahi Kamat Tola, P.S. - Siraha, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.3166 of 2016

Arising Out of PS.Case No. -461 Year- 2015 Thana -FORBESGANJ District- ARRARIA

1. RUPESH THAKUR @ REPESH THAKUR S/o Ram Chandra Thakur
resident of Village- Suksaina Madarganj, P.S.- Simraha, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.435 of 2016)

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Ahmad Ali(App)

(In Cr.Misc. No.3166 of 2016)

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Sangita Sharma(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

5 29-06-2016 Both the Criminal Miscellaneous are of the same

occurrence and as such have been heard together and are being

disposed of by passing this common order.

Heard the learned counsel for the petitioners as well

as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 498, 366 (A) and 376 of the I.P.C

Allegedly, the petitioners kidnapped Pushpa Devi, the youngest sister of the informant. During investigation the statement of the victim girl was recorded under section 164 of the Cr.P.C. wherein she has supported the allegation of kidnapping against the petitioners but has stated that both have done no bad work with her and the villagers Lalman and Nazir committed bad work with her.

Submission is of false implication and that the petitioners have been made victim of the circumstances, as alleged by the victim they have done no bad work with her, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners now by remaining in custody have been sufficiently penalized, to which the learned A.P.P. submits that the petitioners were involved in kidnapping of the victim.

In the facts and circumstances as stated above, considering detention of the petitioners, now they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Araria in Forbesganj (Simraha) P.S. Case

No. 461 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.

(Jitendra Mohan Sharma, J)

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