

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5266 of 2016

Arising Out of PS.Case No. -424 Year- 2015 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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1. Md. Amjad Alam, S/o Md. Mustaque Ahmad, R/o Mohalla- Harakh,
Ward No. 13, P.S.- Begusarai (Town), District- Begusarai..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha
For the Opposite Party/s : Mr. Smt. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-03-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Begusarai Muffasil (Lakho) P.S. Case No. 424 of 2015 registered for the offence punishable under Section 366(A) of the Indian Penal Code.

Allegedly, unknown miscreants kidnapped Shoaib Akthar, the son of the informant, with white colour Scorpio for ransom. During investigation the petitioner was apprehended and he confessed his guilt stating the names of other co-accused and further disclosed regarding the whereabouts of the victim. From possession of co-accused Keshaw Kumar firearms and cartridges and amount of Rs. 5,00,000/- which was given as ransom and mobiles were recovered and further he also confessed his guilt

stating the name of petitioner and others.

Submission is of false implication and that neither the informant nor the victim boy has stated regarding payment of ransom, from the statement of victim recorded under Section 164 Cr.P.C. it reveals that he was released on 25.10.2015 itself whereas the confessional statement of the petitioner was recorded on 26.10.2015, neither mobile nor any amount was recovered from possession of the petitioner and without any legal and cogent material he is suffering in custody since 27.10.2015 to which learned APP duly assisted by learned counsel for the informant opposes by submitting that the ransom amount which was paid by the informant has already been released in his favour and on the basis of disclosure made by the petitioner Scorpio was also recovered.

In the facts and circumstances stated above, considering that as per the statement of the victim he was released on 25.10.2015 itself whereas the confessional statement of the petitioner was recorded on 26.10.2015 and further neither any amount nor any mobile was recovered from possession of the petitioner, 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 Chief Judicial Magistrate, Begusarai in connection with Mufassil (Lakho) P.S. Case No. 424 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 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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