

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11800 of 2016

Arising Out of PS.Case No. -21 Year- 2014 Thana -BELA District- SITAMARHI

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Md. Kudush @ Abdul Kuddus, son of Late Md. Haroon, R/o village-
Mushharniya, P.S.-Parihar, District-Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Manoj Kumar-I(App)

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

ORAL ORDER

3 03-05-2016

Heard the learned counsel for the petitioner and the
learned A.P.P representing the State.

The petitioner seeks bail in connection with Bela
P.S. Case No. 21 of 2014 registered for the offences punishable
under Sections 323, 379, 342, 364A, 120(B)/34 of the Indian
Penal Code.

Allegedly, the informant was kidnapped by the
petitioner and other co-accused named in the F.I.R, ransom of Rs.
1 crore was demanded and due to non-payment, he was assaulted,
mobile and motorcycle of the informant were also taken away by
Mahesh Paswan and Chandan Rai and in the morning the police
recovered the informant.

Submission is of false implication and that the
informant has been examined under Section 164 of the Code of



Criminal Procedure and further during trial also he has been examined as P.W.-3, but he has not taken the name of the petitioner. Without any legal and tangible material, the petitioner is suffering in custody since 27.01.2014. The learned 1st Additional Sessions Judge has wrongly held in the order that the informant has taken the name of the petitioner in his statement recorded under Section 164 of the Code of Criminal Procedure, co-accused Sujit Bhandari has also been released on pre-arrest bail vide Criminal Misc. No. 56240 of 2015 and, as such, the petitioner also deserves sympathetic consideration. The deposition of the informant has been annexed as Annexure-3 and the statement of the informant recorded under Section 164 of the Code of the Criminal Procedure has been annexed as Annexure-2 which is also mentioned in Para 18 of the case diary.

The learned A.P.P. opposes the prayer of bail by submitting that the name of the petitioner has been given in the First Information Report.

In the facts and circumstances considering that the name of the petitioner has not come in the statement of the informant recorded under Section 164 of the Code of Criminal Procedure and further during evidence also he has not taken the name of the petitioner and, as such, 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 1st Additional Sessions Judge, Sitamarhi in connection with Bela P.S. Case No. 21 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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