

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15469 of 2016

Arising Out of PS.Case No. -87 Year- 2014 Thana -AGIAUN District- BHOJPUR

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1. Deepak Kamkar @ Deepak Kumar Son of Late Banwari Kamkar,
Resident of Village - Dubauli, P.S. - Agaion, Garahani, Bhojpur.

.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta

For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-05-2016 Heard learned counsel for the petitioner and learned APP for
the Sate.

The petitioner seeks bail in connection with Agiaun P.S.
Case No. 87 of 2014 registered for the offence punishable under
Sections 364/34 of the Indian Penal Code.

This case has been instituted on the basis of complaint
petition lodged by Jethu Mushar with allegation that Umesh Mushar
the son of the complainant was taken away by the petitioner to Panipat
to get him employed in factory and thereafter, the petitioner and other
co-accused took away him but neither any payment has been received
nor the son of the complainant has returned back.

Submission is of false implication and that the petitioner is a
resident of another village Dubauli whereas the complainant is resident
of village Lagauni, the occurrence is of 02.05.2014 but the FIR has
been lodged on 02.08.2014, during investigation nothing has come

against the petitioner, in the village there is rumor that the son of the complainant is working in Pune, without any fault the petitioner is suffering in custody since 05.12.2015 and no fruitful purpose is going to be served by detaining him further, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner deserves sympathetic consideration to which learned APP submits that the victim boy is still traceless.

In the facts and circumstances stated above, 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, Bhojpur at Ara in connection with Agaion (G) P.S. Case No. 87 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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