

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17685 of 2016

Arising Out of PS.Case No. -256 Year- 2015 Thana -MAJORGANJ District- SITAMARHI

1. Md. Aslam S/o Late Safik Miya resident of Village Majoganj P.S.
Majorganj District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.20080 of 2016

Arising Out of PS.Case No. -256 Year- 2015 Thana -MAJORGANJ District- SITAMARHI

1. Subhash Mahto S/o Shivrath Mahto Resident of Village Majorganj, PS
Majorganj, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.17685 of 2016)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Hirday Pd. Singh(App)

(In Cr.Misc. No.20080 of 2016)

For the Petitioner/s : Mr. Uday Kumar

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

5 04-07-2016 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 363 and 364 of the I.P.C

Allegedly, Ritik Kumar @ Jitu was kidnapped and during investigation the names of the petitioners and others transpired as ransom amount was demanded from the mobile number which was earlier belongs to Priyanka Kumari Gupta and Priyanka Kumari Gupta stated the names of the petitioners Md. Aslam and Subhash Mahto also including others and thereafter co-accused Bablu Singh, Nandan Kumar Singh and Sudhir Kumar were apprehended and they confessed their guilt as to how Ritik Kumar @ Jitu was killed and his dead body was thrown and on the basis of the location given by them the dead body was recovered which was identified as of Ritik Kumar @ Jitu.

Submission is of false implication and that the alleged confessional statement made before the police has got no evidentiary value in the eye of law and the petitioners have been made victims of the police atrocity, nothing has been recovered from their conscious possession, the names of the petitioners have come in the statement of Priyanka Kumari Gupta which is not relevant for this case, without any legal and tangible material the petitioners are suffering in custody and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that the witness Surendra Sah, vide paragraph-102 of the case diary, has also stated the names of the petitioners Md. Aslam and Subhash Mahto.

In the facts and circumstances as stated above, considering the materials collected during investigation against the petitioners, at present I am not inclined to enlarge the petitioners on bail and accordingly their such prayer stands rejected in connection with Majorganj P.S. Case No. 256 of 2015 pending in the court of the C.J.M. Sitamarhi.

However, let the trial be expedited and concluded as early as possible preferably within the time given in Cr. Misc. No. 8262 of 2016.

(Jitendra Mohan Sharma, J)

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