

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13776 of 2016

Arising Out of PS.Case No. -223 Year- 2014 Thana -KATEYA District- GOPALGANJ

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1. Kamaluddin @ Kalamuddin Ansari son of Alauddin Resident of village - Sapahan, Police Station - Gopalpur, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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with

Criminal Miscellaneous No.15078 of 2016

Arising Out of PS.Case No. -223 Year- 2014 Thana -KATEYA District- GOPALGANJ

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1. Suresh Singh son of Late Sureman Singh Resident of Village- Dumariya Police Station- Gopalpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.13776 of 2016)

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Braj Kishore Prasad(App)

(In Cr.Misc. No.15078 of 2016)

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Arun Kumar Singh No.-5 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 12-07-2016 Both the criminal miscellaneous applications are of the same occurrence and, as such, have been heard together and are being disposed of by this common order.

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

The petitioners seek bail in connection with Kateya P.S. Case No. 223 of 2014 registered for the offences punishable under Section 364(A)/34 of the Indian Penal Code.



Allegedly, some miscreants came on Bolero and forcibly kidnapped the informant Alisher Mian and his friend Ajit Rawat and boarded them in the Bolero vehicle but due to alarm being raised, nearby persons rushed there and then the miscreants fled away with the vehicle leaving three miscreants, thereafter ransom of Rs. 2,50,000/- was demanded but however, the informant and his friend Ajit Rawat get themselves freed from them and the three miscreants were caught by the villagers. One of the miscreants Mokhtar Singh was beaten to death by the villagers at the place of occurrence. During investigation, the name of the petitioners Kamaluddin @ Kalamuddin Ansari transpired that he was the driver of the said Bolero which was used in the crime.

Submission is of false implication and that the petitioner Kamaluddin @ Kalamuddin Ansari is not named in the First Information Report, the name of petitioner Suresh Singh has been taken only on suspicion, there is no legal and tangible material against the petitioners, no ransom amount was paid, both the victims have not stated the name of the petitioners in their statements recorded under Section 164 Cr.P.C., another co-accused Ramadhar Singh has been allowed bail vide Cri. Misc. No. 14309 of 2015 by another co-ordinate Bench of this Court and further co-accused Bunela Singh has also been allowed pre-arrest

bail vide Cri. Misc. No. 6643 of 2015 and, as such, the petitioners suffering in custody, also deserve sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering their custody and further that there is no chance of tampering with the prosecution evidence and, as such, above named petitioners are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj in connection with Kateya P.S. Case No. 223 of 2014 subject to the conditions that one of the bailors must be 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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