

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17564 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -SIKANDARA District- JAMUI

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Jham Singh @ Jham Paswan @ Satyendra Paswan son of Saryug Paswan
resident of village - Laxmipur, p.s. - Chandradeep, Distt - Jamui.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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with

Criminal Miscellaneous No.22813 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -SIKANDARA District- JAMUI

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Ram Bilash Yadav Son of Dwarika Yadav Resident of Village - Tetariya,
P.S.- Chandradeep, District Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.17564 of 2016)

For the Petitioner/s : Mr. Prakash Mahto, Advocate

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

(In Cr.Misc. No.22813 of 2016)

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Ajay Kr. 1(App)

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

ORAL ORDER

3 24-05-2016 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 offence

punishable under section 364(A)/34 of the Indian Penal Code.

Both the Cr. Misc. are of the same occurrence and as

such have been heard together and are being disposed of by passing this common order.

Allegedly, Manish Kumar Pandey @ Rajeev Kumar Ranjan, the son of the informant, was abducted by six unknown miscreants being armed and during investigation, it transpires that the victim was in custody of the petitioner Jham Singh and thereafter, the victim was recovered vide paragraph-27 of the case diary, but two miscreants succeeded in fleeing away.

Submission is of false implication and that there is no legal and tangible material against the petitioners, the petitioner Jham Singh @ Jham Paswan @ Satyendra Paswan was implicated in Sikandra P.S. Case No.83 of 2015 under the Arms Act wherein he has been released on bail and thereafter, he has been remanded in this case without any legal and tangible material, the petitioner Ram Bilash Yadav has been remanded only on the basis of confessional statement of co-accused Naresh Yadav and, as he has got criminal antecedent and, as such, his prayer for bail has been refused, co-accused Bethal Yadav and Jitendra Mandal have been allowed bail vide Cr. Misc. Nos.43980 of 2015 and 50183 of 2015 by another Co-ordinate Bench of this Court, the petitioners have not been put on T.I. Parade, the victim has not stated the name of the petitioners as the police has not recorded his statement and

without any legal and tangible material, charge sheet has already been submitted resulting both are suffering in custody.

The learned A.P.P. opposes the prayer of bail by submitting that from the call detail report of mobile, the name of the petitioner Jham Singh and others have transpired.

In the facts and circumstances stated above, considering the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, petitioners, above named, are directed to be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M.-I, Jamui in connection with Sikandra P.S. Case No.81 of 2015, 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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