

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21694 of 2016

Arising Out of PS.Case No. -74 Year- 2015 Thana -MARKAHI District- KHAGARIA

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1. Bamshankar Kumar @ Bamshankar Singh @ Panna Singh S/o Kamal Kishor Sharma, resident of Village- Rahimpur, P.S. Muffasil, District- Khagaria. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra

For the Opposite Party/s : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 15-07-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Morkahi P.S. Case No. 74 of 2015 registered for the offences punishable under Sections 363, 364, 120(A) of the Indian Penal Code.

Allegedly, Sheikh Ayar aged 8 years, the son of the informant, was kidnapped by some miscreants using Victa Sumo Vehicle and it is suspected that Md. Naushad and two others have kidnapped his son. During investigation the victim boy was recovered and he identified the vehicle, it also reveals that the said vehicle was of the petitioner.

Submission is of false implication and that in this case victim boy has already been recovered safely without payment of any ransom, the name of the petitioner has not come as kidnapper,

he has not been put on test identification parade, other co-accused have been allowed bail, the petitioner is suffering in custody since 01.03.2016, there is no cheat of paper to connect the petitioner with the alleged offence and as such he also deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 S.D.J.M., Khagaria in connection with Khagaria Morkahi P.S. Case No. 74 of 2015 (G.R. No. 2247A/2015), 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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