

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45271 of 2015

Arising Out of PS.Case No. -132 Year- 2015 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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1. Prakash Kumar Son of Vijay Mahto Resident of Village - Panapur Langa,
P.S. Hajipur Sadar District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha

For the Opposite Party/s : Mr. Anil Kr. Singh No.1 (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 08-02-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 12.08.2015 in connection
with a case registered the offences punishable under Sections
406/379 of the Indian Penal Code.

Learned counsel for the petitioner submits that though the
petitioner has not been named in the First Information Report, his
name was brought in on the basis of confessional statement of one
Gaurav Kumar. The said statement having been made before the
Police has no evidentiary value and the petitioner may not be
proceeded against on the said basis. He, however, submits that it
has been investigated that subsequent to taking away of the
vehicle, a demand/ransom call had been made from the mobile
phone of the petitioner, and, therefore, the petitioner was taken



into custody. The call detail records of the petitioner bearing SIM No. 7352697063 was obtained by the Investigating Agency and they came to the conclusion that the petitioner was involved in the alleged act of taking away the vehicle and, therefore, he was taken into custody. It is only thereafter that one Gaurav Kumar was taken into custody and only in the confessional statement made before the Police by the said Gaurav Kumar, the petitioner's name transpired as being one of the person who had organized the plan of taking away of the Maruti Ertega Car giving demand for ransom.

It is however submitted that even the informant has not come up with the statement that the petitioner's mobile phone bearing SIM No. 7352697063 was the number from which he had received the said ransom calls.

However, after considering all facts and circumstances and the material available in the case diary and after considering the period of custody, this Court directs that the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali in connection with P.S. Case No. Bhagwanpur P.S. Case No. 132 of 2015.

It is however, made clear that one of the bailors of the

petitioner shall be a close relative and shall file an affidavit before the Court below that he shall ensure the appearance of the petitioner as and when required by the Court below. It is also made clear that the petitioner shall not absent himself in the Court below for more than two consecutive dates without any reasonable cause.

With the aforementioned directions, the application stands disposed of.

(Anjana Mishra, J)

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