

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51129 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -CHANDI District- BHOJPUR

1. Lakhan Kumar, S/o Kesho Rai, Resident of Village- Bhadwar, P.S.-
Chandi, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.51360 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

1. Subodh Kumar S/o Bijender Rai Resident of Zamira Village, P.O.-
Zamira, Thana- Ara Mufassil, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.51129 of 2015)

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. P.N.Pandit(App)

(In Cr.Misc. No.51360 of 2015)

For the Petitioner/s : Mr. Mahtab Ahmed

For the Opposite Party/s : Mr. Smt.Renuka Ratnakar (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 24-02-2016 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 counsels for the petitioners, the

learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioners seek bail in a case for the offences punishable under sections 364 A and 302 of the I.P.C

Allegedly, two unknown motorcycle borne miscreants kidnapped Santosh Kumar, aged nine years, the son of the informant, and speed away. During investigation on the basis of the tower location owner of mobile no. 8271519528 was located and during enquiry it reveals that co-accused Prakash Kumar is using the said mobile. Co-accused Prakash Kumar confessed his guilt and he stated the names of the petitioners and others and accordingly the school bag of Santosh Kumar containing the diary and books were recovered and further the motorcycle and four wheeler (Vikta) used in the crime were also recovered.

Submission is of false implication and that there is no legal and tangible material against the petitioners, their names have come in the confessional statement of the co-accused which has got no evidentiary value in the eye of law and without any reasonable material they are suffering in custody, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer

for bail by pointing out the recovery of those articles.

In the facts and circumstances as stated above, considering that the names of the two petitioners have come in the confessional statement of the co-accused and as such they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Sessions Judge, Bhojpur at Ara/ Smt. Noor Sultana, J.M. 1st Class, Bhojpur at Ara in Sessions Trial No. 211 of 2015 arising out of Chandi P.S. Case No. 36 of 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 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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