

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53935 of 2015

Arising Out of PS.Case No. -338 Year- 2015 Thana -BARBIGHA District- SEKHPURA

- =====
1. Sudhir Ram Son of Muni Ram @ Jungi Ram resident of village - Mahthbar, P.S. Harnaut, District - Nalanda
2. Kanhaiya Mahto Son of Parash Mahto resident of village - Sardha, P.S. Chandi, District - Nalanda

.... Petitioners

Versus

1. The State of Bihar Opposite Party
- =====

Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad

For the Opposite Party/s : Mr. Arun Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 19-01-2016 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Barbigha P.S. Case No. 338 of 2015 registered for the offence punishable under Section 364 of the Indian Penal Code.

Allegedly, the petitioners and other co-accused kidnapped Heera Chaudhary, the husband of the informant, and during investigation the victim was recovered from the house of Dayanand @ Devendra Nonia and the victim stated the name of the petitioners also regarding their involvement in the crime.

Submission is of false implication and that the victim and Dayanand @ Devendra Nonia used to hire labourers for brick kiln and there was some dispute for money, resulting, the petitioners have been falsely implicated. The victim has been

safely released and no ransom was paid to anyone and as such the petitioners who are suffering in custody since 04.10.2015 deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted, the victim has been safely released and there is no chance of tampering with prosecution evidence, the 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 learned Additional Chief Judicial Magistrate 2nd, Sheikhpura in connection with Barbigha P.S. Case No. 338 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.

(Jitendra Mohan Sharma, J)

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