

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39138 of 2016

Arising Out of PS.Case No. -301 Year- 2015 Thana -PANCHRUKHI District- SIWAN

Nakul Manjhi, son of Late Dhurendhar Manjhi, Resident of Village -
Sihuata Haldi Hata, P.S. - Maharajganj, District - Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.39415 of 2016

Arising Out of PS.Case No. -301 Year- 2015 Thana -PANCHRUKHI District- SIWAN

Munu Kumar @ Kaushlendra Pratap, S/o- Gajadhar Singh, Resident of
Village- Gohpur, P.S. - G.B. Nagar, District – Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.39138 of 2016)

For the Petitioner/s : Mr. Arbind Kumar

For the Opposite Party/s : Mr. Surendra Kumar

(In Cr.Misc. No.39415 of 2016)

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Matloob Rab

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 24-11-2016

Heard both sides.

The petitioners Nakul Manjhi and Munu Kumar @
Kaushlendra Pratap seek bail in Pachrukhi P.S. Case No. 301 of 2015,
registered under Sections 364(A), 302, 201 and 120(B) of I.P.C.

The informant Diwakar Kumar alleged that Hari Shankar
Singh, as usual, went to platform No.2 for morning walk, where 6-7
unknown criminals kidnapped him on a vehicle. The informant

suspected that his brother Hari Shankar Singh has been kidnapped for ransom and murder.

Learned counsel for the petitioners submits that petitioners are not named in the F.I.R. Nothing has been recovered from the possession of the petitioners. The names of the petitioners figured in this case on the confessional statement of co-accused and only on suspicion, petitioners have been arrested. No incriminating article has been recovered from the possession of the petitioners. It is further submitted that after much delay, two witnesses in para 151 and 155 and thereafter other persons disclosed the name of the petitioners, but there was no disclosure that they are eye-witness of the occurrence. Similarly situated co-accused Pappu Singh @ Umesh Chand, Mahanth Singh, Geeta Devi, Ajay Singh, Anil Kumar Singh, Sabita Devi, Prince Kumar and Ajay Singh @ Ajay Rai have already been enlarged on bail by different Benches of this Court. The case of the petitioners stands on the similar footing as there names has also been figured in the case in the confessional statement of other co-accused persons.

On the other hand, learned Addl. P.P. as well as learned counsel for the informant vehemently opposed the prayer for bail and submits that first of all one Dharmendra Kumar Singh in para 83 of the case diary disclosed about the presence of white colour bolero jeep near the Platform No.2. He also found Pappu Singh, Mahanth Singh, Ajay Rai and Ranjan Singh present at platform No.2 and they were talking to each other. In para 105 of the case diary, Pappu Singh

confessed his guilt and disclosed the name of the petitioners and other accused persons. Pappu Singh disclosed that both the petitioners on the point of pistol forcibly dragged Hari Shankar Singh inside the vehicle. Similarly, other accused persons also disclosed the name of the accused persons, but no incriminating article has been recovered from the possession of the petitioners. It transpires that petitioners also confessed their guilt, but nothing has been recovered in pursuance of the confession.

From perusal of the record it appears that save and except confessional statement of co-accused, no incriminating material has been collected to show the involvement of the petitioners in the crime of kidnapping and murder and similarly situated accused persons have already been granted bail.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Session Judge-II, Siwan in Sessions Trial No. 335 of 2016 arising out of Pachrukhi P.S. Case No. 301 of 2015.

(Prabhat Kumar Jha, J)

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