

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5804 of 2016

Arising Out of PS.Case No. -204 Year- 2015 Thana -SAHEBGANJ District- MUZAFFARPUR

1. Nathuni Sahani Son of Late Chhathu Sahani Resident of Village -
Hussepur Dubandha, Police Station - Sahebganj, District - Muzaffarpur.
... Petitioner

Versus

1. The State of Bihar. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan

For the Opposite Party/s : Mr. Jitendra Kumar Singh 1 (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 01-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Sahebganj
P.S. Case No. 204 of 2015 registered for the offence punishable
under Sections364/34 of the Indian Penal Code in which Sections
302 and 201 were added during investigation.

Allegedly, the informant and his brother Jawahar
Tiwary were returning then the FIR named accused persons being
armed pushed the brother of the informant and kidnapped him and
further tried to kidnap the informant but he fled away and
thereafter, skeleton was recovered alleged to be of Jawahar
Tiwary. During investigation the name of the petitioner surfaced
in the crime.

Submission is of false implication due to enmity, the

FIR named accused persons either have been allowed pre-arrest bail or regular bail and only on the ground that the petitioner has criminal antecedent he is suffering in custody since 22.09.2015.

Learned APP opposes the prayer of bail by submitting that the petitioner has confessed his guilt and he has got criminal antecedent as he is involved in 17 more cases.

In the facts and circumstances stated above, considering that some of the FIR named accused persons have been allowed pre-arrest bail and some have been allowed regular bail, 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. (West) Muzaffarpur in connection with Sahebganj P.S. Case No. 204 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 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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