

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5085 of 2016

Arising Out of PS.Case No. -626 Year- 2015 Thana -KHAGARIA District- KHAGARIA

- =====
1. Bittu Kumar Son of Late Haribansh Yadav Resident of village - Rajajan,
P.S. Mansi, District - Khagaria
2. Nikesh Kumar Son of Sakaldeep Prasad Yadav Resident of village -
Spha, P.S. Maheshkhut, District - Khagaria

.... Petitioners

Versus

1. The State of Bihar Opposite Party

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with

Criminal Miscellaneous No.5256 of 2016

Arising Out of PS.Case No. -626 Year- 2015 Thana -KHAGARIA District- KHAGARIA

- =====
1. Sanni Kumar, S/o Sri Sunil Kumar Yadav, Resident of Village- Balwahi,
P.S.- Khagaria, District- Khagaria..... Petitioner

Versus

1. The State of Bihar Opposite Party

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with

Criminal Miscellaneous No.10674 of 2016

Arising Out of PS.Case No. -626 Year- 2015 Thana -KHAGARIA District- KHAGARIA

- =====
1. Anmol Kumar, S/o Nawal Kishore Poddar, R/o Village- Mosadpur, P.S.-
Barauni, Dist- Begusarai..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

(In Cr.Misc. No.5085 of 2016)

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. B. N. Pandey (App)

(In Cr.Misc. No.5256 of 2016)

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. M.Haque(App)

(In Cr.Misc. No.10674 of 2016)

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Ashraf Ansari(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 29-03-2016 Above noted three applications have arisen out of one
occurrence i.e. Khagaria P.S. Case No. 626 of 2015 registered for the

offence punishable under Sections 364(A)/34 of the Indian Penal Code and as such they have been heard together and are being disposed of by this common order.

Allegedly, Raju @ Akshay Kumar, the son of the informant, and his friend Rupesh Kumar were kidnapped by motorcycle borne criminals and further from the father of Raju ransom of Rs. 2,00,000/- was demanded. During investigation Sanni Kumar, Bittu Kumar and Nikesh Kumar were apprehended and the informant claimed that they have demanded the ransom and further Sanni Kumar confessing his guilt stated whereabouts of the victim boys and then both the victim boys were recovered. The statements of victim boys were also recorded under Section 164 Cr.P.C. wherein Raju stated the name of the culprits.

Submission is of false implication and that the petitioner Bittu Kumar and Nikesh Kumar have not confessed their guilt, the name of petitioner Anmol Kumar was taken by co-accused and the victim boy has not stated the name of petitioner Anmol Kumar, no ransom was paid and the petitioners by remaining in custody have been sufficiently penalized, further the petitioners have not been put on test identification parade.

Learned APP opposes the prayer of bail by submitting that some of the petitioners got criminal antecedent also.

In the facts and circumstances stated above, considering that the petitioners Bittu Kumar, Nikesh Kumar and Sanni Kumar were arrested and on the basis of disclosure made by Sanni Kumar both

victim boys were recovered and further both the victim boys were ill-treated and as such, at this stage, this Court is not inclined to enlarge the petitioners Bittu Kumar, Nikesh Kumar and Sanni Kumar on bail, accordingly, their such prayer stands rejected.

So far as petitioner Anmol Kumar is concerned, his name was taken by co-accused, and as such, petitioner Anmol Kumar 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 Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 626 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.

However, considering the period of detention, let the trial be expedited and concluded within nine months.

(Jitendra Mohan Sharma, J)

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