

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10439 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -DIDARGANJ District- PATNA

1. Manish Kumar Son of Bachcha Gop, Resident of Rikabganj, Police Station - Malsalami, District - Patna. Petitioner/s

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Kanahiya Pd. Singh, Sr. Advocate

Mr. Raghwendra Pratap Singh

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

Mr. Shivendra Kishore, Advocate

Mr. Sunil, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 18-04-2016 Heard learned Sr. Counsel for the petitioner and learned APP for the Sate.

The petitioner seeks bail in connection with Didarganj P.S. Case No. 11 of 2016 registered for the offences punishable under Sections 341, 323, 386/34 of the Indian Penal Code.

Allegedly, the petitioner, co-accused Ballu Kumar, Bachcha Gop and 4-5 unknown came, demanded ransom to which the informant refused and then after causing threats the accused persons took away cash of Rs. 1,50,000/- from the sale-counter which was kept in a bag.

Submission is of false implication and that no offence under Section 386 IPC is made out, during investigation it has come specifically that Bachcha Gop took away the amount of Rs.



1,50,000/- and not the petitioner which is evident from paragraph 8 of the case diary, the petitioner is the son of Bachcha Gop resulting he has also been made accused in this case, the petitioner is suffering in custody since 11.01.2016 and as such he deserves sympathetic consideration as there is no allegation that the petitioner was armed with any weapon or pointing out any weapon.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner was also involved in demanding ransom and further threats were caused and the petitioner has got criminal antecedent also.

In the facts and circumstances stated above, considering that during investigation it has come that Bachcha Gop took away the amount of Rs. 1,50,000/- and as such 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 Sri Anant Kumar, J. M. Ist Class, Patna City in connection with Didarganj P.S. Case No. 11 of 2016, 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.

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(Jitendra Mohan Sharma, J)