

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10459 of 2016

Arising Out of PS.Case No. -73 Year- 2015 Thana -KASHICHAK District- NAWADA

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1. Aju Kumar @ Suraj Kumar @ Vikash @ Vikash Kumar Son of Sanjay Singh Resident of Village- Sherpur, P.S.- Barbigha, District- Shekhpura.
..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar

For the Opposite Party/s : Mr. Bharat Lal(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

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

The petitioner seeks bail in connection with Kashichak P.S. Case No. 73 of 2015 registered for the offences punishable under Sections 363, 364A of the Indian Penal Code.

Allegedly, Dhiraj Kumar @ Fatinga aged nine years wearing School dress was kidnapped on 05.09.2015 at 4:30 pm and thereafter, ransom of Rs. 8,00,000/- was demanded through mobile and again several threats were caused to the informant. During investigation co-accused Ravi Shankar Kumar and Ajit Kumar @ Karoo were apprehended with arms and ammunitions and on the basis of their confession the Police raided Utsav Marriage Hall and arrested one Raja @ Kundan Kumar and Shushant Kumar and recovered the inner paint of the victim boy



as well as the mobile used in the crime and both confessed their guilt and further Chandramani Kumar present in the room also made statement vide paragraph 73 and 97 of the case diary stating that Nandan, Ravi Shankar Kumar and Karoo have brought Dhiraj Kumar @ Fatinga. Name of the petitioner transpired in the confessional statement of co-accused and further the petitioner also confessed his guilt.

Submission is of false implication and that the petitioner has been made victim of circumstances, only on the basis of confessional statement the petitioner is suffering in custody, Chandramani Kumar has not stated the name of the petitioner and as such the petitioner deserves sympathetic consideration to which learned APP opposes by submitting that the petitioner also confessed his guilt.

In the facts and circumstances stated above, considering that the name of the petitioner has come in the confessional statement of co-accused and chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 Rajesh Kumar, J. M. Ist Class, Nawada in

connection with Kashichak P.S. Case No. 73 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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