

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16424 of 2016

Arising Out of PS.Case No. -209 Year- 2015 Thana -MUSAHRI District- MUZAFFARPUR

1. Nand Kishore Jha Son of Late Badri Narayan Jha
2. Indrajeet Jha Son of Nand Kishore Jha
Both are Residents of Village - Parayan Bathana, P.S.- Kudhani, District-
Muzaffarpur.... Petitioners

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Jyotsna Rani Mishra

For the Opposite Party/s : Mr. Matloob Rab, (App)

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

ORAL ORDER

3 21-06-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek bail in connection with Mushahri
P.S. Case No. 209 of 2015 registered for the offence punishable
under Section 364A of the Indian Penal Code.

Petitioners are not named in the first information report
but as submitted during course of investigation they were arrested
on the basis of confessional statement of co-accused Suresh
Paswan. They were put on test identification parade but they have
not been identified by the victim and informant which is evident
from paragraph 100 of the case diary. Other co-accused Ratnesh
Kumar, Rajeev Kumar and Suresh Paswan have already been
allowed bail by another co-ordinate Bench of this Court and as
such the petitioners deserve sympathetic consideration as they are

in custody since 16.01.2016 having no criminal antecedent.

Learned APP fairly submits that other three co-accused have been allowed bail.

In the facts and circumstances stated above, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-cum-Sub Judge III, Muzaffarpur in connection with Mushahri P.S. Case No. 209 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

avin/- **(Jitendra Mohan Sharma, J)**

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