

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56156 of 2015

Arising Out of PS.Case No. -457 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Modi @ Vivek Kumar Son of Nand Kishore Prasad, Resident of Village -
Mazidpur, P.S. - Manpur, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prasad Singh
For the Opposite Party/s : Mr. Dilip Kumar(App)

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

3 11-02-2016 Heard learned counsel for the petitioner and learned A.P.P.
representing the State.

The petitioner seeks bail in connection with Bihar P.S.
Case No. 457 of 2015 registered for the offences punishable under
Sections 364(A), 120(B) of the Indian Penal Code and later on
Sections 363, 368, 302, 201 of the IPC were also added.

Allegedly Ravi Kumar aged 14 years, the son of the
informant went to go to school but he did not return and it is
alleged that FIR named accused Dewanand and Rajiv Kumar
Sharma have caused threat to teach lesson. Later on through
Mobile No. 7321072463 ransom was demanded. During
investigation, it reveals that from the shop of the petitioner the

said SIM was sold on the papers which were not genuine and further the petitioner confessed his guilt.

Submission is of false implication and that the petitioner has been made victim of police atrocity, except that from the shop of the petitioner SIM was sold, there is no other material against the petitioner, confessional statement has got been recorded forcibly, the petitioner has got no concern with other co-accused, the said SIM or mobile has not been recovered from possession of the petitioner and without any legal and cogent material, he is suffering in custody since 6.10.2015.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence 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 the Learned CJM, Nalanda at Bihar Sharif arising out of Bihar P.S. Case No. 457 of 2015 subject to the conditions that one of the bailors must be 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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