

pIN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48158 of 2015

Arising Out of PS.Case No. -107 Year- 2015 Thana -BEUR District- PATNA

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1. Shyam Rai son of Ramchandra Rai Resident of village-Ami, P.S. Dighwara, District- Saran

2. Ranjeet Kumar, son of Kansi Saw, Resident of village-Naya Tola, P.S.- Gardanibagh, Distt- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 25-01-2016 Heard learned counsel for the petitioners and learned A.P.P. representing the State.

The petitioners seek bail in connection with Beur P.S. Case No. 107 of 2015 registered for the offence punishable under Section 364 of the Indian Penal Code.

The petitioners are not named in the First Information Report and during investigation they were put on T.I.P but were not identified.

Submission is of false implication and that only on suspicion they have been apprehended and the confession of petitioner Shyam Rai had been recorded, the statement of the victim has been recorded under Section 164 Cr.P.C. also, the petitioners were got identified at the police station but in spite

of that during T.I.P. they have not been identified by the victim, in this case other co-accused namely, Deepak Kumar Singh has already been allowed bail by another co-ordinate Bench of this Court Vide Cri. Misc. No. 36289 of 2015 and, as such, the petitioners who are suffering in custody since 12.06.2015, deserve sympathetic consideration.

The learned A.P.P. submits that mobile of petitioner Shyam Rai was used and further the victim has claimed to have identified them in the office of Sachiwalay, D.S.P. and further the petitioner Shyam Rai has confessed his guilt.

In the facts and circumstances stated above, considering that co-accused Deepak Kumar Singh has been allowed bail and the petitioners had not been identified on T.I.P. vide para 110 of the case diary and, as such, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Patna arising out of Beur P.S. Case No. 107 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 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.

(Jitendra Mohan Sharma, J)

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