

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3275 of 2016

Arising Out of PS.Case No. -586 Year- 2015 Thana -BANKA District- BANKA

=====

1. Binod Yadav S/o Sarju Yadav, Resident of village- Baburampur, P.S.-
Belhar, District- Banka.... Petitioner

Versus

1. The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Raj Kishor Singh (App)

=====

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

ORAL ORDER

3 16-03-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Banka P.S. Case
No. 586 of 2015 registered for the offences punishable under Sections
363 and 364 of the Indian Penal Code.

Allegedly, Bittu Kumar the son of the informant had gone
with bicycle to attend the call of nature on 14.09.2015 at about 7:00 am
and thereafter, he did not return. During investigation, the petitioner
was apprehended on the basis of call details of mobile and the petitioner
confessed his guilt and thereafter, the victim boy made a call from
Mumbai and then the Police on the basis of that mobile call went to
Mumbai and after hectic search recovered the victim boy. The
statement of victim boy was also recorded under Section 164 Cr.P.C.
wherein he has named the petitioner and others.

Submission is of false implication and that the petitioner is
not of the village of the victim boy, he is the resident of another village,

the petitioner has been made victim of circumstances, the Police after adopting 3rd degree method has got recorded the confessional statement of the petitioner and as such the petitioner who is suffering in custody deserves sympathetic consideration to which learned APP duly assisted by learned counsel for the informant opposes.

In the facts and circumstances stated above, considering that during investigation it has come that the victim was working in Mumbai at different places and accordingly, considering the period of detention, 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 Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 586 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)

avin/-

U		T	
---	--	---	--