

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37884 of 2015

Arising Out of PS.Case No. -74 Year- 2007 Thana -GAYA MUFFSIL District- GAYA

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1. Tara Bhushan @ Dara Singh @ Tara Bhushan Sharma @ Dara Son of
Late Sudama Singh resident of Ankupur, Police Station - Rampur
Chauram, District - Arwal

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Narayan Sinha

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

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

5 08-02-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence
punishable under section 364 (A) of the I.P.C

For kidnapping of Vivek Kumar case has been
registered against unknown. During investigation the victim Vivek
was recovered from the house of Uday Sharma @ Hirdaya Sharma
and Uday Sharma @ Hirdaya Sharma, Jitendra Sharma @ Jitia
and Rinku Kumar @ Shekhar Kumar were also arrested and
further from the house of Uday Sharma one country made rifle and
from possession of Jitendra Sharma @ Jitia one country made
pistol with four live cartridges were recovered. The victim stated

the name of the petitioner also that he and other co-accused were guarding him.

Submission is of false implication and that the petitioner was in custody in other case and from that case he has been remanded in this case on 13.12.2013 and since then he is in custody, other co-accused Rinku Kumar @ Shekhar Kumar who was arrested with the victim has already been allowed bail vide Cr. Misc. No. 13819 of 2009, Co-accused Rishi Bhushan Sharma has been allowed bail vide Cr. Misc. No. 18590 of 2009 and further other co-accused, namely, Gudu Kumar, Chandan Kumar, Gaurav and Jitendra Sharma have already been allowed bail by different Benches of this Court and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner has got criminal antecedent as according to paragraph-3 of the case diary he is involved in 19 cases more.

In the facts and circumstances as stated above, considering that similarly situated co-accused have been allowed bail and as such considering detention of the petitioner now he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 5th Additional Sessions Judge, Gaya in

Sessions Case No. 91 of 2014/ 29 of 2014 arising out of Gaya (Muffasil) P.S. Case No. 74 of 2007, 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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