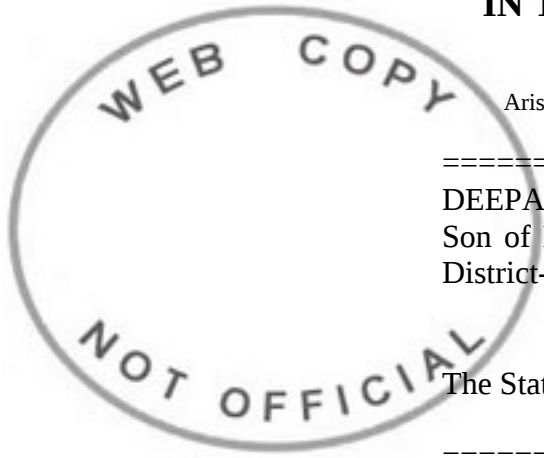




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8938 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

=====

DEEPAK KUMAR RAUT @ ABHINAV KUMAR @ ABHIVA KURER
Son of Biliam Kumar Raut, resident of Village- Bhatwan, P.S. Hasanpur,
District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj

For the Opposite Party/s : Mr. B.Ram(App)

=====

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

3 10-05-2016 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 offences
punishable under sections 302, 201, 120 B and 379 of the I.P.C

Allegedly, Jitendra Kumar called Pankaj Kumar, aged
18 years, the son of the informant, and took away on the plea that
he will accompany him as he is going to Saharsa with Scorpio on
fare but thereafter the son of the informant did not return and
accordingly it has been alleged that Jitendra Kumar and Babloo
Tiwari along with others had kidnapped Pankaj Kumar. During
investigation the name of the petitioner transpired in the
confessional statement of co-accused and further the petitioner

also confessed his guilt.

Submission is of false implication and that besides the confessional statement there is no other legal and tangible material against the petitioner, co-accused Jitendra Kumar has already been allowed bail vide Cr. Misc. No. 19166 of 2015 by another coordinate Bench of this Court, nothing has been recovered from possession of the petitioner and without any legal and tangible material the petitioner is suffering in custody since 15.04.2015.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner has got criminal antecedent and the petitioner has confessed his guilt.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted, nothing has been recovered from possession of the petitioner or on the basis of the confessional statement and as such the petitioner 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 Sri R.K. Raina, J.M. 1st Class, Samastipur in Samastipur (Muffasil) P.S. Case No. 40 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)

Abhay/-

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