

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43445 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -KARJAIN District- SUPAUL

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MD. NAIM S/o Md. Olli, Resident of Village- Harichakla, P.S.- Karjain Bazar, District- Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party : Mr. Kumar Birendra Narayan, APP
For the Informant : Mrs. Rashmi Jha, Advocate.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 28-11-2016 Heard the learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.

Petitioner is languishing in judicial custody since 28.08.2015 in connection with Karjain P.S.Case No.43 of 2015 for offence alleged under Sections 302, 364, 365 and 120B/34 of the IPC.

The prosecution case is that on 21.07.2015 at about 7.30 P.M. brother of the informant along with one Md. Yusuf left his office by a motorcycle and while on way to his home he was kidnapped by unknown criminals. It is further alleged that informant made hectic search but without any fruitful result and suspected that his brother might have been killed by the criminals.

It has been submitted by the learned counsel for the



petitioner that the FIR has been lodged against unknown and it is only on the basis of confessional statement of the co-accused that the petitioner has been implicated. He further submits that chargesheet has already been submitted, hence there is no chance of tampering with the witnesses. He further submits that he has no criminal history and just because the deceased and the petitioner were on inimical terms, he has been falsely implicated. He further submits that other co-accused have since been granted the privilege of bail by a Coordinate Bench of this Court in Cr.Misc.No.48945 of 2015 dated 04.11.2015 and one of them has been granted the privilege of anticipatory bail in Cr.Misc.No.11859 of 2016 dated 28.03.2016. He submits that there is no eye witness and the confessional statement of a co-accused has no evidentiary value in the eye of law.

However, learned counsel for the informant submits that all the witnesses have supported the allegation, hence opposes the prayer for bail.

However, learned APP for the State opposes the prayer for bail.

From perusal of materials on record, it appears that chargesheet has already been submitted and the petitioner's release from custody would not adversely affect his trial. Thus, in

the interest of justice and considering the period of custody, let the above named petitioner 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 Ranjay Kumar, learned Judicial Magistrate-Ist Class, Birpur, District-Supaul in connection with Karjain P.S.Case No.43 of 2015.

It is further made clear that this direction for bail is further subject to the condition that the petitioner will not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application stands allowed.

(Nilu Agrawal, J)

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