

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48596 of 2015

Arising Out of PS.Case No. -82 Year- 2015 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

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1. Mahesh Kumar @ Mahesh Ram Son of Basantu Ram Resident of village
- Ishapur, Post office + Police Station - Chainpur, District - Kaimur (Bhabua) at Present residing at village - Pasain, P.S. Below, District - Kaimur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak

For the Opposite Party/s : Mr. Nirmal Kr. Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-01-2016 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 364 (A), 363 and 120 (B)/34 of the I.P.C

Allegedly, Amit Kumar aged three years, son of the informant, was kidnapped and Ganesh Kumar Mourya stated that he has seen Manoj Ram taking away Amit Kumar and accordingly it is claimed that the petitioner, his brother Dinesh Kumar in collusion and conspiracy with co-accused Manoj Ram had kidnapped the boy. During investigation the victim boy was recovered from possession of Chandtara Kuwar and she confessing the guilt stated the name of Manoj Ram only.

Submission is of false implication and to get the house evicted the petitioner and his brother Dinesh Kumar have been implicated in this case, they have not been named by Chandtara Kuwar in her confessional statement and as such the petitioner who is suffering in custody since 19.06.2015 deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that the petitioner has not been named by Chandtara Kuwar in her 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 S.D.J.M. Bhabua in Bhagwanpur (Below) P.S. Case No. 82 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)

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