

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10043 of 2017

Arising Out of PS.Case No. -208 Year- 2016 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Kusho Singh Son of Late Ramdev Singh, resident of Village- Thuthi
Mohanpur, Police Station- Choutham, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Dr. Indivar Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-03-2017 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor, for the State.

The petitioner is languishing in judicial custody since 18.10.2016 in connection with Kusheshwar Asthan P.S. Case No. 208 of 2016 for offence alleged under Sections 364A and 120B of the Indian Penal Code, but charge sheet has been submitted under Sections 346, 347, 365, 385, 387, 379 and 34 of the Indian Penal Code.

The prosecution case is that the son of the informant, namely, Jogendra Sah was kidnapped for ransom of Rs. 2 lacs and one of the co-accused, Arun Singh has been named in the FIR. The petitioner's name surfaced in the statement of the victim under Section 164 of the Code of



Criminal Procedure, who stated that the petitioner had brought him at the station from where he boarded the train.

Learned counsel for the petitioner submits that the petitioner is innocent, there is no criminal history and no allegation of ransom has been made out against him. It is further submitted that no offence under Section 364A of the Indian Penal Code is made out against the petitioner and charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that one of the co-accused has since been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 10638 of 2017 on 23.03.2017 and the case of the petitioner is even on a better footing.

However, learned A.P.P., for the State, opposes the prayer for bail.

Considering the facts and circumstances and that the charge sheet has already been submitted against the petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Biraul (Darbhanga) in connection with Kusheshwar Asthan P.S. Case No. 208 of



2016, 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.

(Nilu Agrawal, J)

S.Pandey/-

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