

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12740 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

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1. MD. JAMAL ABDUL NASIR @ JAMAL ABDUL NASIR, Son of Md. Abbas, Resident of Mohalla- Dariyapur Kudus Compound, P.S. Pirbahore, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

For the Opposite Party/s Mr. Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 10.05.2017 Heard learned counsel for the petitioner as well as learned counsel for the informant and also heard learned Addl. Public Prosecutor for the State.

Earlier prayer for bail of the petitioner was rejected by this court taking note of statement of the victim recorded under section 164 Cr.P.C but submission on behalf of the petitioner is that the petitioner and the victim were on litigating term since the year 2010 and both had filed cases against each others. Learned counsel for the petitioner further submits that, as a matter of fact, there was dispute between them on the point of some money transaction and the petitioner claimed that victim had taken loan from him but disgusted the aforesaid loan amount for which the petitioner lodged criminal case against him. He further submits that prior to institution of the present case, petitioner had filed a sanha apprehending that the



petitioner might be implicated in false case. He further submits that even if the present case is looked in the aforesaid background, case under section 364 of the IPC is not made out.

On the other hand, learned counsel appearing for the informant submits that victim was recovered by the police when police raided and caught two persons who were accepted the ransom amount and on the basis of their disclosure, victim was recovered and moreover, belongings of the victim were recovered from almirah of the petitioner. Learned counsel appearing for the informant concedes this fact that there was previous litigation between the parties.

Petitioner does have criminal antecedent as it is evident from perusal of para 3 of the petition but it is submitted on behalf of the petitioner that most of the cases were lodged either by the victim or his family members and so far as remaining two or three cases are concerned, the same were lodged for petty offences whereas one case was lodged on account of matrimonial dispute.

Petitioner is in jail custody since 12.2.2016 and investigation against him has already been completed and the case has already been committed to the court of sessions. Therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge X, Patna in Sessions trial no. 600/2016/ Tr. no. 69/2016 arising out of Gandhi Maidan P.S. Case no. 40/2016 subject to condition that he shall not indulge himself in threatening with the prosecution witnesses and if



any complain is made on behalf of the informant or prosecution witnesses before the court below, the court below shall be at liberty to cancel the bail bounds of the petitioner after proper enquiry in accordance with law.

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(Hemant Kumar Srivastava,J)

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