

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10638 of 2017

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

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Panna Singh son of Madan Singh resident of Village - Tuddhi Mohanpur,
P.S. - Chautham, District - Khagaria. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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

ORAL ORDER

2 23-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Supplementary affidavit has been filed on behalf of the
petitioner. Let it be taken on record.

Petitioner seeks bail in connection with Kusheshwar
Asthan P.S. Case No. 208 of 2016 registered for the offences
punishable under Sections 364A and 120B of the Indian Penal
Code.

Allegedly, Jogendra Sah, the son of the informant, was
kidnapped and in FIR co-accused Arun Singh is named. During
investigation the name of the petitioner and others transpired and
further the statement of the victim Jogendra Sah was recorded
under Section 164 Cr.P.C. wherein he has named the petitioner
and others.



Submission is of false implication and that from the statement recorded under Section 164 Cr.P.C. it reveals that the victim was sleeping in the house of Munni Devi and from there he was taken out, it is alleged that he was kept for four days after tying his hand and leg and ransom of Rs. 2 lakh was demanded, further he has stated that Kusho Singh brought him at station and got him boarded in the train, so the statement appears not probable and reliable, no offence under Section 364A IPC is made out, the petitioner is suffering in custody since 05.11.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 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.

(Jitendra Mohan Sharma, J)

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