

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36492 of 2017

Arising Out of PS.Case No. -56 Year- 2013 Thana -TARABARI District- ARRARIA

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1. Diya Singh Son of Mahendra Singh Resident of Village Dubba Tola,
Gorhi Basti Police Station Tarabari, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-08-2017

Heard the parties.

The petitioner is apprehending his arrest in connection with Tarabari P.S. Case No. 56 of 2013 registered for offences punishable under Sections 366A, 120B/34 of the Indian Penal Code.

Allegation against the petitioner is of conspiring with other accused persons and kidnapping the daughter of the informant.

Submission of the learned counsel for the petitioner is that the first information report itself shows that he has been made accused only on the basis of suspicion. Specific allegations have been levelled against other co-accused persons. It is further submitted that had the petitioner participated in abduction, he would not have been present in the village itself.

Heard learned A.P.P. also.



Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Araria in connection with Tarabari P.S. Case No. 56 of 2013 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail bond.

It is further made clear that if during investigation any serious incriminating material comes against his petitioner, the Court below shall take steps for cancellation of his bail bonds.

With the aforesaid observation, this application is allowed.

Manish/-

(Vinod Kumar Sinha, J)

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