

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19444 of 2017

Arising Out of PS.Case No. -178 Year- 2016 Thana -SABAUR District- BHAGALPUR

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Md. Hasim, son of Late Md. Farukh @ Md. Farukh Mansuri, resident of
Village- Shahchak Fatehpur Imambara, P.S.- Industrial Area, District-
Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Sri Zainul Abedin

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

3 25-05-2017 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 offence
punishable under section 364 (A) of the I.P.C

Allegedly, the maternal uncle of the informant
informed the informant on his mobile at 7 P.M. on 27.10.2016 that
he has been kidnapped and ransom of Rs. 1,00,000/- is being
demanded and they are causing threats to kill him. Several calls
came on the mobile of the informant. The matter was reported
before the police and the informant stated about the place fixed for
giving money near Hundai Show Room at Zero Mile. The
informant was advised to obey the instruction and it was about



1.15 AM three accused persons came on a new bike without number and the constables standing nearby who came and caught two persons including the petitioner and thereafter the victim was recovered from the orchard.

Submission is of false implication and that the petitioner has not committed any offence, he is suffering in custody since 28.10.2016, he has got no connection with the kidnappers, the petitioner only provided lift to them as a bonafide owner of the motorcycle purchased just one month before, he has never been involved in such type of crime, there is no chance of absconding or tampering with the prosecution evidence, charge sheet has already been submitted, co-accused Niranjan Kumar has been allowed bail vide Cr. Misc. No. 7740 of 2017 and further Md. Tabrej has also been allowed bail vide Cr. Misc. No. 5287 of 2017 and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail of the petitioner.

In the facts and circumstances as stated above, considering that the victim after release has not disclosed the name of the petitioner in his statement recorded under section 164 of the Cr.P.C 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 7th Additional Sessions Judge, Bhagalpur in S.T. No. 153 of 2017 arising out of Sabour P.S. Case No. 178 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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