

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27099 of 2017

Arising Out of PS.Case No. -377 Year- 2015 Thana -MADHEPURA District- MADHEPURA

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1. Niranjana Kumar Bhagat, S/o Late Manikchand Bhagat, Resident of Village- Shankarpur, Madhaili, Diara, P.S.- Alamnagar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Sri Narsingh Tanti

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-11-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Madhepura P.S. Case No. 377 of 2015 for offences punishable under Section 386 of the Indian Penal Code.

The prosecution case, as lodged by the informant, who is the Circle Officer of Madhepura, is that he received telephone call by unknown person to deposit Rs. 5,00,000/- in the account standing in Central Bank of India within five days.

It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the F.I.R.. He submits that it is only on the basis of confessional statement of the



petitioner before the police, he has been made accused in the present case and also implicated in 13 more cases of earlier occurrence and the confessional statement before the police, has no evidentiary value in the eye of law. Another co-accused Asgar Ali, who was named by the petitioner in the confessional statement, has been granted the privilege of bail by co-ordinate Bench of this Court in Criminal Miscellaneous No. 12939 of 2016 on 06.05.2016. Charge-sheet has already been submitted and the petitioner is languishing in judicial custody since 7.10.2015. He further submits that the mobile used in demanding ransom did not belong to him and that a sympathetic consideration be given to the petitioner as he is in custody for more than two years.

However, learned APP for the State opposes the prayer for bail stating therein that on the confession of the petitioner, several incriminating articles have been found by the side of the road near Mathal Railway Dhala.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 377 of 2015 subject to conditions that one of the bailors must be 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)

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