

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32322 of 2017

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

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Abhishek Kumar, S/o Manoj Kumar Choudhary, R/o Village- Kowath, P.S.-
Dawath, Distt- Rohtas.

..... Petitioner

Versus

The State of Bihar.

..... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Nandan Sahay, Advocate.
For the Opposite Party : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
16.02.2016 in a case for the offence registered under Sections
364(A)/34 of the IPC.

The prosecution story, in brief, is that on 10.02.2016,
the husband of the informant had left the office for his residence
but he did not reach his house till 11.02.2016. Information in this
regard was given to the police station.

Earlier the bail application of the petitioner was
rejected vide Cr. Misc. No. 29161 of 2016 dated 01.09.2016



taking into account that bail of other co-accused was rejected vide Cr. Misc. Nos. 22321 of 2016 and 20675 of 2016.

A report was called for from the court below regarding the stage of the case. It has been reported that out of eight prosecution witnesses one prosecution witness has partly been examined.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 16.02.2016. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to mistake of fact. The petitioner is not named in the F.I.R. There is no eye witness to abduction taking place. There is admitted money dispute between the parties. Other co-accused persons have been granted bail vide Cr. Misc. No. 15130 of 2017 dated 12.07.2017.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 10th Additional



Sessions Judge, Patna in connection with Gandhi Maidan P.S.
Case No. 40/2016.

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(Sudhir Singh, J)

