

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54700 of 2017

Arising Out of PS.Case No. -214 Year- 2017 Thana -MADANPURA District- AURANGABAD

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Satyendra Kumar Sao, Son of Jageshwar Sao, resident of Village- Selhara Kala, Police Station- Chauparan, District- Hazaribagh (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 15-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Madanpur P.S. Case No. 214 of 2017 initially registered under Sections 395, 397, 328 of the Indian Penal Code and subsequently added with Section 412 of the Indian Penal Code.

Mustered oil laden truck being transported by the informant and the driver of the truck was kidnapped by six truck borne criminals en route on the point of dagger by overtaking the said truck with their own truck and on information given by the owner of the informant's truck about installing of the GPS in the said truck, the police tracked the said truck and arrested the petitioner and three other accused persons along with the truck.



It is submitted by learned counsel for the petitioner that the allegation levelled against the petitioner is not specific rather omnibus. The petitioner has no concern with the aforesaid truck rather he happens to be owner of another truck which was parked at the colliery for loading the coal. In the meantime, some accused persons kidnapped the petitioner along with said truck and making him captive with the said truck under coercion, committed the said occurrence by his truck and on giving chase by the police, he was also apprehended along with three accused persons and the truck. It is further submitted that though the informant has claimed to identify the witness on witnessing them but he was not put on TIP. The money and mobile recovered from the possession of the petitioner are hailing to him and said mobile phone is not matching with the mobile of the victims. There is no cogent material on the record indicating the complicity of the petitioner in the occurrence barring his confessional statement which has no evidentiary value in the eye of law. The petitioner has been languishing in custody since 18.09.2017 and similarly situated co-accused namely, Imtiyaz Ansari has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 14.12.2017 passed in Cr. Misc. no. 58915 of 2017.



In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 214 of 2017.

(Prakash Chandra Jaiswal, J)

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