

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11721 of 2017

Arising Out of PS.Case No. -136 Year- 2016 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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Rama Shankar Rai Son of Late Shukul Rai , Resident of Village- Shahpur,
P.S.- Shivhar, District- Shivhar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party : Smt. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 15-03-2017

Heard.

The petitioner is in custody since 20.10.2016 in connection with Rajepur P.S.Case No.136 of 2016 registered for an offence under Sections 341, 342, 323, 324, 307, 364A and 120B of the IPC.

As per written report, the son of the informant was kidnapped by three or four unknown persons, who got down from Bolero vehicle and lifted his son. At that time they had covered their face and they also assaulted the informant on his head by lathi and danda. The informant allegedly disclosed about the presence of few persons, who are named in the FIR and on the basis of his version, the present case has been registered.

Learned counsel for the petitioner submits that one of



the co-accused, namely, Rajmangal Sah was arrested by the police and recorded his statement. The statement of co-accused has got no evidentiary value in the eyes of law. The other co-accused Rajmangal Sah has been allowed bail by this Court vide Cr.Misc.No.5576 of 2017 on 07.02.2017. It was also submitted that the victim has been recovered but he has not been produced before the Magistrate for recording his statement under Section 164 of the Cr.P.C. The petitioner remained in custody for a considerable period for no fault of his own.

Learned APP opposed the submission.

Considering the nature of allegation, facts and circumstances as stated above, let the above named petitioner 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 SDJM, Sadar Motihari, East Champaran in connection with Rajepur P.S.Case No.136 of 2016.

(Sanjay Kumar, J)

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