

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44404 of 2019**

Arising Out of PS. Case No.-151 Year-2012 Thana- KAHALGAON District- Bhagalpur

Sikandar Miyan S/o Shekh Fakir Mohammad R/o Village- Moti Jharna, P.S.-
Dakbangal Mahrajpur, District- Sahebganj, District- Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 04-12-2019

Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Kahalgaon PS Case
No. 151 of 2012 dated 19.05.2012 instituted under Section
364A of the Indian Penal Code.

3. The petitioner, though not named in the FIR,
was later on implicated on the basis of confessional statement of
co-accused Khushbu Kumari.

4. Learned counsel for the petitioner submitted that
he was implicated on the basis of confessional statement of co-
accused Khushbu Kumari but no specific role has been assigned
to him. It was submitted that the petitioner has been named to
be one of the persons who was around, along with others, and



had taken part in the abduction. It was submitted that the victim boy has already returned safely and has not stated with regard to the petitioner, either before the police or the Court. Learned counsel submitted that except for the petitioner, all seven co-accused faced trial in which by judgment dated 04.08.2015 they have been acquitted. It was submitted that during trial the victim boy Santosh Kumar Jaiswal had not taken the name of the petitioner in his deposition before the Court. Learned counsel submitted that earlier the Court had called for a report with regard to the time when trial could be concluded and the Court had reported under letter dated 26th July, 2019 that it will take at least three months and thereafter by letter dated 25th October, 2019 the Trial Court has informed that till date only two prosecution witnesses, out of seven, have been examined. Learned counsel submitted that the petitioner is in custody since 02.11.2018 without having antecedent and no direct role or overt act attributed to him.

5. Learned APP, from the case diary, could not controvert the fact that the petitioner is only named as being present along with other seven co-accused as also the fact that upon trial all other seven co-accused have been acquitted.

6. Having considered the facts and circumstances



of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional District and Sessions Judge, Bhagalpur in Kahalgaon PS Case No. 151 of 2012 corresponding to S.T. No. 933 of 2018, subject to the condition that the petitioner shall cooperate in the trial and be present on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

