

In the court of Addl. Sessions Judge-III, Munger
S.T. No. 09 of 2020
Munna Das Vs. State of Bihar

18-02-2020. Heard the learned defence counsel and the learned P.P. on bail application dated 10.02.2020 filed on behalf of Munna Das who is lying in custody since 19.06.2019 in connection with Kotwali P.S. case No. 280/2010 U/S 364, 120(B)/34 of IPC.

It is alleged that the petitioner along with his associates tried to abduct the son namely Awtari Sahni @ Sushant Kumar of the complainant Gayatri Devi with an intention to kill him. Hence, this case.

It is submitted on behalf of petitioner that the occurrence took place on 06.04.2010 but the complaint petition was filed on 16.04.2010. No reason and explanation for delay is given in the complaint petition. From perusal of C.D. the I.O. has found no direct and indirect evidence against this petitioner in this case. The petitioner is innocent and has falsely been implicated in this case. There is no criminal antecedent of the petitioner. The petitioner is in custody since 19.06.2019 as the petitioner voluntarily surrendered before the Court of C.J.M. He further submitted that after surrender the police has not taken permission from the Id. Court for police remand of this petitioner. Hence, it is clear that the petitioner has not made any confession with regard to the occurrence before the police. The co-accused of this petitioner namely Nitish Kumar got bail from the Hon'ble High Court vide Cr. Misc. No. 4918/15 dated 11.03.2015 after remaining in jail for three and a half months whereas this petitioner remained in jail about 8 months. Hence, he be granted bail.

Ld. P.P. opposed the prayer for grant of bail to the petitioner.

Perused the record and FIR, also perused the case diary.

From the perusal of case record it is clear that the petitioner is in custody since 19.06.2019 and he is in custody for a long time. The petitioner has no criminal antecedents. From the perusal of C.D. it is clear that there is no confession of this petitioner before the police and the petitioner has not been arrested by police during investigation. The petitioner voluntarily surrendered before the Court. There is no charge-sheet against the petitioner. The co-accused of this case has already been granted bail by the Hon'ble High Court.

Considering the facts and circumstances set forth above the prayer for bail of the petitioner Munna Das is allowed. He is directed to be released on bail on furnishing bail bond of Rs. 20,000/- with two sureties of like amount each to the satisfaction of the Ld. court with condition that both the bailors must be of Munger Court's jurisdiction and the petitioner must be physically appear before the Court till disposal of the case except extra-ordinary circumstances.

Dictated

Addl. Sessions Judge-III,
Munger.
18-02-2020.