
(2017) 07 JH CK 0001
In the Jharkhand High Court
Case No : 5120 of 2017

Kasturi Boipai

APPELLANT

Vs

The State of Jharkhand & Ors

RESPONDENT

Date of Decision : 01-07-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 164](#) - Recording of confessions and statements
[Indian Penal Code, 1860](#), [Section 364\(a\)](#) - Kidnapping or abducting in order to in

Citation : (2017) 07 JH CK 0001

Hon'ble Judges : Shree Chandrashekhar

Bench : SINGLE BENCH

Advocate : Kripa Shankar Nanda, ?Suraj Mohan

Final Decision : Allowed

Judgement

1. Heard the learned counsel appearing for the parties and perused the documents on record.
2. On the allegation that besides, Krishna Nayak and Rahul there was one another person present at the time of occurrence, the petitioner has been remanded in judicial custody on 05.05.2017 in Sisai (Bharno) P.S. Case No. 83/2015, corresponding to Spt. G.R. Case No.371/2015 for the offence under Section 364(A) of the I.P.C.
3. The learned APP, opposing the prayer for grant of bail, submits that the investigation is in progress.
4. Order dated 03.06.2017 records that the petitioner is neither named in the F.I.R. nor he has been named by the victim in his statement either before police or in the Court recorded under Section 164 Cr.P.C. After a charge-sheet was submitted against the accused Krishna Nayak, the petitioner whose complicity was disclosed by the co-accused, approached the trial Court for grant of

anticipatory bail and after withdrawing his A.B.A. No. 1031 of 2017 which was pending in this Court, he surrendered before the trial Court.

5. Having regard to the facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Gumla in connection with Sisai (Bharno) P.S. Case No. 83/2015, corresponding to Spt. G.R. Case No.371/2015 with the condition that he shall co-operate with the Investigating Officer during the investigation and shall not change his residence without permission of the Court.

6. The instant application is allowed. Let a copy of the order be transmitted to the trial Court through "Fax".