

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.38131 of 2008
BABBU @ SYED MASKUR HUSSAIN
S/O-Syed Manzar Hussain, R/O-Mohalla-Samanpura (Raja Bazar), P.S.-Shastrinagar, Distt.-
Patna.Petitioner.
Versus
STATE OF BIHAROpposite Party.

WITH

Cr.Misc. No.39752 of 2008
DADAN SINGH
S/O-Ranjit Singh, R/O-Vill-Karza, Post-Karza, P.S.-Barhara, Distt.-Bhojpur.
.....Petitioner.
Versus
STATE OF BIHAROpposite Party.

WITH

Cr.Misc. No.48575 of 2008
SANTOSH KUMAR @ SANTOSH KUMAR SINGH @ SANJU
S/O-Birendra Singh, R/O-Vill-Bachari, P.S.-Sandesh, Distt.-Bhojpur.
.....Petitioner.
Versus
STATE OF BIHAR

4/ **31.03.2009** Since all the three bail applications have arisen out of one occurrence i.e. S.Tr. No. 864 of 2007 arising out of Danapur P.S. Case No. 541 of 2005, they have been heard together and are being disposed of by this common order.

It appears that prayer for bail of the petitioners have been rejected earlier vide Annexure-I.

A school boy namely Golu @ Gaurav Kumar was kidnapped and the case was registered against unknown. In course of investigation the name of the petitioners and other accused persons have transpired.

Submission on behalf of the petitioners is that they are not named in the FIR. Their names have come on the basis of confessional statement of Sikandar Kumar. Under similar circumstances a number of other accused persons Dinesh

Pandey, Jay Kant Dayal, Sikandar Rai and others have been granted bail. The victim has been examined under Section 164 Cr. P.C. in which he has not named any of the persons. He has named only three persons Soni Didi, Guddu Ram and Pintu Singh. The petitioners have not been put on TIP. Petitioner Babbu @ Syed Maskur Hussain is in custody since 05.10.2008, Petitioner Dadan Singh is in custody since 23.12.2005 whereas Petitioner Santosh Kumar @ Santosh Kumar Singh @ Sanju is in custody since 29.09.2005. In this case not even one witness has been examined before the trial court.

Considering the facts that other accused persons have been granted bail, let the petitioners Babbu @ Syed Maskur Hussain (in Cr. Misc. No. 38131 of 2008), Dadan Singh (in Cr. Misc. No. 39752 of 2008) and Santosh Kumar @ Santosh Kumar Singh @ Sanju (in Cr. Misc. No. 48575 of 2008) are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Danapur/ Additional Sessions Judge, F.T.C. No. II, Patna in connection with S.Tr. No. 864 of 2007 arising out of Danapur P.S. Case No. 541 of 2005.

kksinha/

(Shyam Kishore Sharma, J.)