

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7059 of 2016**

Arising Out of PS.Case No. -245 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Nirmal Chaudhary S/O Late Naga Chaudhary R/o village Kajharghat,  
P.S.- Kudra, District- Kaimur (Bihar)..... Petitioner

Versus

1. The State of Bihar .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Opposite Party/s : Mr. Mustaque Alam(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

**ORAL ORDER**

2      03-03-2016

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

Petitioner seeks bail in connection with Kudra P.S. Case No.  
245 of 2015 registered for the offences punishable under Sections 364,  
302, 379/34 of the Indian Penal Code.

Allegedly, the miscreants took away the clerk and guard of  
brick kiln and further took away five mobile phones of the informant  
and others and later on dead bodies of clerk Dina Baitha and Guard  
Dandan Singh Yadav were found in the garden of Guddu Singh. The  
petitioner is not named in the first information report, his name  
transpired in the confessional statement of co-accused Pramod  
Mushahar who was apprehended on the basis of call details and from  
his possession one mobile phone was recovered and the petitioner also  
confessed his guilt.

Submission is of false implication and that against the  
petitioner besides confessional statement of co-accused and the

petitioner there is nothing against him, there is no legal and cogent material and he is suffering in custody since 23.12.2015 and other co-accused Madhuri Mushar, RamPyare Mushar and Ram Singhasan Mushar have been allowed bail vide Cr.Misc. No. 57974 of 2015 and as such the petitioner also deserves sympathetic consideration to which learned APP submits that the petitioner has also confessed his guilt.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Kudra P.S. Case No. 245 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

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