

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55423 of 2016

Arising Out of PS.Case No. -152 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Lattu Kumar Yadav
2. Bhukha Kushwaha @ Bhukhal Prasad Kushwaha son of Vurai Kushwaha
@ Vurai Pd. Kushwaha, both residents of village-Rajapur Mathia, Police
Station- Kotwa ,District- East Champaran.... Petitioner/s
Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The application is for grant of bail for the offence under
Section 379 of the Indian Penal Code.

It is submitted on behalf of the petitioner that they are
not named in the FIR and their name transpires only on the basis
of confessional statement of the co-accused. It has further been
submitted that there is no recovery from the possession of the
petitioner and the charge-sheet has been submitted and the
petitioners are in custody since 03.09.2016.

Heard learned A.P.P. also, who could not controvert this
aspect that except the confessional statement, nothing has come
against the petitioners.



Having heard both sides. In view of the fact that they are not named in the FIR and there is nothing against them and the charge sheet has been submitted and they are in custody for the last three months, let petitioners be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of 11th ACJM, East Champaran at Motihari connection with Kesariya P.S. Case No.152 of 2016, with a condition that they will co-operate in the trial and will make available themselves, on each and every date, except on some genuine reason, otherwise their bail bond shall be liable to be cancelled.

(Vinod Kumar Sinha, J)

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