

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38088 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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1. Mallu Yadav S/ Birendra Prasad, Resident of Village- Karmu Bigha,
Police Station- Chhabillapur, District- Nalanda..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 26-09-2016

Heard learned counsel for the petitioner and learned

counsel representing the State.

The petitioner seeks bail in connection with Khudaganj
P.S. Case No. 09 of 2016 registered for the offence punishable
under Section 397 of the Indian Penal Code.

The petitioner is not named in the first information report
but it appears that his name transpired during investigation in the
confessional statement of co-accused namely, Mantu Kumar,
Tarun Kumar and Suday Kumar, he is in custody since 28.06.2016
but no test identification parade has been conducted, co-accused
Suday Kumar who has confessed his guilt and has named the
petitioner has already been allowed bail vide Cr. Misc. No. 31270
of 2016 by another co-ordinate Bench of this Court and except the
confessional statement there is nothing against the petitioner.

Learned APP fairly submits that co-accused Suday

Kumar has been allowed bail.

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 Additional Chief Judicial Magistrate, Hilsa (Nalanda) in connection with Khudaganj P.S. Case No. 09 of 2016, 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.

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(Jitendra Mohan Sharma, J)

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