

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40891 of 2016

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

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1. Ramashray Kewat son of Jhapasi Kewat resident of village - Malahchak,
Police Station Hulasganj, District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 24-11-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Section-397 of the Indian Penal Code.

It would appears from the materials, available on the
case diary that some accused were caught by the police in
connection with Khudaganj P.S. Case No. 11 of 2016 and the
aforesaid co-accused made their confessional statements,
disclosing the involvement of the petitioner in the present case
also. It appears that except the aforesaid material as well as some
criminal antecedent, there is nothing against the petitioner.

Perusal of impugned order goes to show that some

co-accused having similar allegation, have already been granted privilege of bail by learned Ist Additional Sessions Judge on the ground that the informant of the present case had compromised the case with them but the same court rejected the prayer for bail of the petitioner as the informant had not entered into compromise with the petitioner. The approach of the learned Ist Additional Sessions Judge, Hilsa, Nalanda is surprising because it is a serious case of Section-397 of the Indian Penal Code, which is not a compoundable offence. So far as the petitioner is concerned; it appears that except confessional statement, there is nothing against him.

Accordingly, the petitioner named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Khudaganj P.S. Case No. 09 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda.

A.K.V./- **(Hemant Kumar Srivastava, J)**

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