

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10664 of 2017

Arising Out of PS.Case No. -101 Year- 2016 Thana -PUSA District- SAMASTIPUR

=====

Navanit Kumar @ Gunjan Kumar @ Gunjan, son of Ajay Kumar Thakur,
Resident of Village - Haripur Singhia, P.S. Muffasil (M), District -
Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay, Advocate

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-03-2017 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor, for the State.

The petitioner is languishing in judicial custody since 15.10.2016 in connection with Pusa P.S. Case No. 101 of 2016 for offence alleged under Sections 394/302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that while the brother of the informant, namely, Awadesh Poddar, who was the distributor of Hindustan Uni-Liver Limited, was returning with his staff, three unknown persons snatched his Motorcycle, cash and belongings and fired resultantly the informant's brother succumbed to the injury.

It has been submitted by learned counsel for the



petitioner that the petitioner is not named in the FIR and nothing has been recovered from his possession. Only Rs. 500/- which belonged to him, has been recovered. Learned counsel further submits that it is only on the confessional statement, which has been obtained under coercion, that the petitioner has been made accused. It is further submitted that some of the co-accused have since been granted privilege of bail by the co-ordinate Benches of this Court in Cr. Misc. No. 1117 of 2017 on 13.1.2017, Cr. Misc. No. 5171 of 2017 on 15.2.2017 and Cr. Misc. 6515 of 2017 on 23.2.2017.

However, learned A.P.P., for the State, opposes the prayer for bail.

Considering the facts and circumstances and the materials on the record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Samastipur in connection with Pusa P.S. Case No. 101 of 2016, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.



- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the Court and in the event of failure on his part to appear before the Court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Nilu Agrawal, J)

S.Pandey/-

U		T	
---	--	---	--

