

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36116 of 2017

Arising Out of PS.Case No. -281 Year- 2017 Thana -KOTWALI District- PATNA

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1. Garugarai @ Karu Garai @ Rajiv Ranjan Kumar Son of Late Prameshwar Garai.
2. Munna Aafat @ Mukesh Kumar Gupta, Son of Late Surendra Prasad Gupta Both Resident of Village-Ahiyachak Katrisarai, P.S. Katrisarai, Dist. Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Satyendra Narayan Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-08-2017 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners are languishing in custody since 07.07.2017 in connection with Kotwali P.S. Case No. 281/2017 for offences punishable under Sections 417, 418, 419, 420, 120-B of the Indian Penal Code.

The prosecution case, as lodged by the informant, who is an employee of the Bihar School Examination Board, who has forwarded the written application of one Anju Kumari, stating therein that she got telephonic call from a number as mentioned in the First Information Report stating that her son has failed in the Board examination and if she wants that he should pass then an amount of Rs. 6,000/- be deposited in Bank account number stated



in the First Information Report.

It has been submitted by the learned counsel for the petitioners that they have been remanded in the present case from Kotwali Police Station Case No. 239/17 in which they have been made accused on the basis of confessional statement made by co-accused in the aforesaid case, which has no evidentiary value in the eye of law and apart from the aforesaid case they have no criminal antecedent. He submits that no incriminating article has been recovered either from their conscious possession or from their house and both the petitioners have been granted privilege of bail in connection with Kotwali Police Station Case No. No. 239/17 by this Court. He further submits that apart from the confessional statement of co-accused, there is no other allegation against the petitioners.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Kotwali P.S. Case No. 281/2017, subject to the condition that both



bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating their relationship with the petitioners.

(Nilu Agrawal, J)

Rajesh/-

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