

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59091 of 2017

Arising Out of PS.Case No. -450 Year- 2017 Thana -KOTWALI District- PATNA

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Nitish Kumar, S/o Indradeo Prasad, R/o Village- Maira, P.S.- Katrisarai,
District- Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 18-12-2017 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 12.09.2017 in connection with Kotwali P.S. Case No.450 of 2017 registered for the offence under Sections 417, 418, 419, 420 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated, merely on suspicion, on the basis of the confessional statement made before the police by one co-accused.

The allegation is that the petitioner along with some other accused persons had been indulging in the act of asking for money for getting the result of the Bihar School



Examination Board declared. Save and except the said confessional statement made before the police, which has no evidentiary value, there is nothing to connect the petitioner with the occurrence, as alleged. Learned counsel for the petitioner further submits that there has been no recovery from his possession and the money alleged to have been demanded has also not been deposited in his account.

Considering the aforementioned facts and circumstances, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna, in connection with Kotwali P.S. Case No.450 of 2017, subject to the following conditions :

(1) One of the bailors will be his own relative, namely, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned



court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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