

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.832 of 2017

Arising Out of PS.Case No. -273 Year- 2016 Thana -RAMPUR District- GAYA

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1. Nandkishor Kumar @ Chhotu @ Chhotu Yadav, Son of Late Chand Yadav, resident of Village- Garwaiya, P.S.- Barachatti, Dist- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar. null null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-02-2017 Heard the parties.

This application is for grant of bail in connection with Rampur P.S.Case No.273 of 2016 for the offence under Sections 414 of the Indian Penal Code and Section 17 C.L.A. Act and 10, 13, 15, 16, 17, 18, 20, 21 and 38 of U.P.A. Act.

It is submitted on behalf of the petitioner that the name of the petitioner transpires only on the basis of confessional statement of the co-accused and it has been alleged that the petitioner was used to supply wireless sets and other materials to the co-accused, however, the person from him, the wireless set has been recovered, has already been granted bail by this Hon'ble Court vide order dated 22.12.2016 passed in Cr. Misc. No.50343 of 2010. The petitioner has remained in custody for more than three months.

Heard learned A.P.P. also, who does not controvert the aforesaid fact that except the confessional statement, there is



nothing against the petitioner even there is no recovery from the petitioner.

Having heard both sides. In view of the fact that the name of the petitioner transpires only on the basis of confessional statement of co-accused and there is no recovery from the petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.40,000/- (Forty thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Gaya in connection with Rampur P.S.Case No.273 of 2016.

With 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 on 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.

With the following observation, this application is allowed.

(Vinod Kumar Sinha, J)

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