

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47418 of 2016

Arising Out of PS.Case No. -132 Year- 2016 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

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Vijay Kumar Kushwaha @ Nanhak @ Nanhaki, Son of Shri Prabhu Kushwaha, Resident of Village- Kangna, Dumaria, P.S.- Raxaul, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kumar

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 10-02-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 17.06.2016 in connection with Chhatauni P.S. Case No. 132 of 2016, G.R. No. 2524 of 2016 for the offences alleged under Section 414, Section 25(1)b of the Arms Act and Section 47(A) of the Excise Act and subsequently Sections 364A, 368, 216, 120B, 420/34 of the India Penal Code were added.

3. It is submitted that the petitioner has been falsely implicated merely on suspicion and only on the extra judicial confessional statement of co-accused Bablu Paswan, the later has already been granted bail by this Court. Co-accused Vimlendu Ranjan from whose vehicle the offending articles were recovered has already been granted bail by this Court in Criminal Miscellaneous No. 43884 of 2016. It is stated that charge sheet has been submitted and hence there is no chance of tampering with the evidence.



4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, in connection with Chhatauni P.S. Case No. 132 of 2016, G.R. No. 2524 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate 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.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

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