

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4599 of 2017

Arising Out of PS.Case No. -190 Year- 2010 Thana -NABINAGAR District- AURANGABAD

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Dhukkar Bhuiyan, Son of Parmeshwar Bhuiyan, Resident of Village-
Shanajpur, P.S.- Madanpur, District- Aurangabad..... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Madhura Nand Jha, APP-102

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 07-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner seeks bail in connection with Nabinagar P.S. Case
No. 190 of 2010 registered for the offences punishable under
Sections 147, 148, 149, 447, 323, 307, 435, 427 of the Indian
Penal Code in which Section 436 IPC and Section 17 of the
C.L.A. Act were added later on.

The petitioner is not named in the first information
report and from perusal of the impugned order it reveals that
during investigation co-accused Vijay Yadav was arrested and he
confessed his guilt disclosing the name of the petitioner in the
present crime. Thereafter, the petitioner was apprehended and he
is in custody since 23.02.2016.

Submission is of false implication and that except the



confessional statement as well as criminal antecedent of the petitioner there is nothing against him, although the prosecution claims that the petitioner is the active member of the banned MCC but except the above said statement and criminal antecedent the I. O. could not succeed in collecting anything against the petitioner. It is submitted that co-accused Kail Prajapati has been allowed bail vide Cr. Misc. No. 34159 of 2016 by another co-ordinate Bench of this Court and the case of the petitioner is on similar footing.

Learned APP fairly submits that co-accused has been allowed bail and further another co-accused Mritunjay Mishra has also been allowed bail.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of 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, Aurangabad in connection with Nabinagar P.S. Case No. 190 of 2010, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive



dates on his part without any reason shall disentitle the petitioner
from privilege of bail.

avin/-

(Jitendra Mohan Sharma, J)

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