

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34482 of 2017

Arising Out of PS.Case No. -441 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

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Nitesh Kumar @ Nitish Kumar Son of Madan Chaudhary, R/o Village-
Narayanpur, P.S.- Hassan Bazar (Piro), District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Ayodhya Singh, Advocate

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
01.12.2016 in connection with Sessions Trial No. 177 of 2017
arising out of Patna Gandhi Maidan P.S. Case No. 441 of 2016
registered for the offence punishable under Sections 302, 201, 379
and 120(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his nephew Abhishek Kumar and Sagar Kumar were doing
online business of mobile battery repairing. Their room was found
locked and on opening of the room, both nephews of the informant
were found lying dead.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and it is only on the basis of confessional statement of co-accused Amit Kumar @ Bholu, that his name along with other co-accused has surfaced. It has further been submitted that the accused persons named by co-accused Amit Kumar @ Bholu, have been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 18696 of 2017 on 15.05.2017 and by this Court in Cr. Misc. No. 29770 of 2017 on 08.08.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and that other accused persons have been granted the privilege of bail on similar allegations, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-X, Patna in connection with Sessions Trial No. 177 of 2017 arising out of Gandhi Maidan P.S. Case No. 441 of



2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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