

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58610 of 2017

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1. Jitendra Kumar Khairwar @ Sethi S/o Mahavir Prasad, R/o Village-
Kachnar, P.O.- Kachnar, P.S.- Rivilganj, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 12-12-2017 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is in custody since 10.07.2017
in connection with a case registered for the offences
punishable under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits
that the petitioner was taken into custody on suspicion
and, thereafter, the police forcibly took his statement
under Section 161 of the Cr. P.C. which has formed the
substance of the allegation against him. It is further
stated that till date no T.I. Parade has been conducted and
neither was the recovery of the motorcycle made from his
possession nor can the confessional statement made
before the police be used against him. He further submits
that it is only because he had two other criminal



antecedents, the petitioner has been roped in connection with the present case. It is next submitted that in the other two cases, the petitioner has already been granted regular bail.

Considering the fact that the confessional statement made before the police by the petitioner cannot be used against him and also because he has been in custody for more than five months, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 10th, Saran at Chapra, in connection with Khaira (Nagar) P.S. Case No. 92/2017, 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 failure on two consecutive dates without sufficient reasons, his bail bonds shall



be liable to be cancelled by the learned court concerned.

(Anjana Mishra, J)

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