

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53471 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -MANER District- PATNA

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Laltu @ Nitesh Kumar S/o Late Karan Rai Resident of village- Chakiya
Tola, Khashpur, P.S.- Maner, Dist.- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Maner P.S. Case No. 38 of 2017 registered for the offences under
Sections 302/34 of the Indian Penal Code and Sections 25(1-B)a,
26/35 of the Arms Act.

The allegation as per the prosecution is that nine named
FIR persons (not the petitioner herein) had come to the place of
the informant and engaged in assault and abusing the prosecution
case whereafter one of the said FIR named accused persons,
namely, Jai Biru Rai @ Rakesh Kumar had fired on the deceased
Randhir Kumar resulting in his death.

The learned counsel for the petitioner submits that the
informant of the present case has consciously and truthfully made
his fardbeyan wherein he has disclosed the name of the assailant.



However, the name of the petitioner was not disclosed and subsequently with oblique motives the name of the petitioner has been roped upon confessional statement said to have been made by the said accused Jai Biru Kumar. The learned counsel for the petitioner further submits that though the petitioner has fair antecedent except two cases under the Excise Act in which he has been granted bail, he is not accused in any serious or grave cases. It is further submitted that there is no material on record to implicate the petitioner in the present case.

Having regard to the facts and circumstances of the case, petitioner Laltu @ Nitesh Kumar is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-VI, Danapur (Patna) in connection with Maner P.S. Case No. 38 of 2017.

It is directed that the petitioner shall remain present before the learned trial court on each and every date fixed in the case and if there are two consecutive defaults in his attendance, the privilege for bail shall stand withdrawn and he shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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