

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22273 of 2017

Arising Out of PS.Case No. -23 Year- 2016 Thana -AMBA District- AURANGABAD

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Nandan Kumar Mehta Son of Dasrath Mehta Resident of Village - Saya
Parsa, P.S. - Kutumba, District - Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 23-06-2017 Heard both sides.

The petitioner seeks bail in Amba P.S. Case No.
23/2016, registered for the offences punishable under Sections 393
302 of the Indian Penal Code and section 27 of the Arms Act.

The informant alleged that while he along with his
cousin brother Mir Hasan going on a motorcycle, three persons on
a motorcycle intercepted them and pushed the informant. The
informant and Mir Hasan fell down on the ground. The accused
persons entered into scuffle with Mir Hasan and tried to snatch his
motorcycle, when Mir Hasan objected, one of the accused fired.
Mir Hasan died on the spot.

Learned counsel for the petitioner submits that petitioner
is not named in the F.I.R. Save and except confession of Bijay



Kumar Singh @ Kasab, there is no material in the case-diary. In para 42 of the case-diary it is mentioned that in Amba P.S. Case No. 38/2016, one Anil Kumar Mehta confessed his guilt and disclosed the name of the petitioner that he along with the petitioner participated in the crime. The petitioner is in jail since 29.07.2016.

It appears that the police recorded the confessional statement of two accused persons and save and except confession that too before the police, there is no other material against the petitioner.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge-VII, Aurangabad in connection with Amba P.S. Case No. 23/2016.

(Prabhat Kumar Jha, J.)

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