

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25481 of 2017

Arising Out of PS.Case No. -61 Year- 2012 Thana -GOH District- AURANGABAD

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Sunil Khatri, Son of Shankar Lal Khatri, Resident of Village- Jakhim,
Police Station- Rafiganj, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in custody since 27.09.2016
in connection with Goh P.S. Case No. 61/12 for the offences
alleged under Sections 147, 148, 149, 436, 384, 427, 120-B of the
Indian Penal Code and Section 17 of the C.L.A. Act.

The prosecution case, as lodged by the guard of MBL
Company, is that while he was sleeping in the night at 12.30 a.m.,
15 persons came, burnt the tent and also destroyed the food items
stating therein that the levy, which was demanded, is not being
paid by the Company.

It has been submitted by the learned counsel for the
petitioner that he is not named in the First Information Report, but



on the basis of confessional statement of another co-accused, namely, Jugeshwar Yadav @ Nepali Yadav, who has been interrogated in another case and has named the petitioner, the petitioner has been remanded in the present case and just because he does not have a clean antecedent he has been made accused in the present case. He submits that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is submitted that similarly situated co-accused, whose name did not figure in the First Information Report and whose name surfaced in the confessional statement of another co-accused, has been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 23073 of 2016 on 03.08.2016.

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

Considering the facts and circumstances and the materials on record, 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 learned Chief Judicial Magistrate, Aurangabad in connection with Goh P.S. Case No. 61/2012, subject to the condition that one of the bailors would be a close relative of the petitioner, who shall



have sufficient immovable property within the jurisdiction of the concerned police station/ court and will file an affidavit stating his relationship with the petitioner.

Rajesh/-

(Nilu Agrawal, J)

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