

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32210 of 2017

Arising Out of PS.Case No. -296 Year- 2016 Thana -PARWATTA District- KHAGARIA

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1. Byas Kunwar Son of Late Jagdeep Kunwar, Resident of Village-
Sonbarsha, Police Station BIhpur, District Bhagalpurl

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Yogendra Kr. Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
07.03.2017 in connection with Parbatta P.S. Case No. 296/2016,
G.R. No. 2678/2016 for offences punishable under Section 364-A
of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while his brother after closing his shop was returning home,
he has been kidnapped by the culprits. Name of one of the co-
accused Guddu Singh has been mentioned in the First Information
Report.

It has been submitted by the learned counsel for
the petitioner that he is innocent, has not committed
an offence of similar nature earlier and that charge-



sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He submits that on the confessional statement of one Guddu Singh, his name surfaced, which has no evidentiary value in the eye of law. He further submits that another co-accused, whose name surfaced on the confessional statement of Guddu Singh, has since been granted privilege of bail by this Court in Cr. Misc. No. 19785/2017 on 21.06.2017. It is submitted that nothing incriminating has been recovered from his possession and the victim has already returned home just a day after lodging of the First Information Report.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Addl. Chief Judicial Magistrate 1st, Khagaria, in connection with Parbatta P.S. Case No. 296/2016, 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 during trial 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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