

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31912 of 2018

Arising Out of PS.Case No. -231 Year- 2017 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Sunil Kumar @ Sunil Yadav @ Sunil Kumar Yadav, Son of Sri
Kamleshwar Yadav, Resident of Village- Madhuban, P.S.- Kusheshwar
Asthan, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Manish Kumar No.13, Advocate Mr. Rohit Kumar, Advocate
For the S t a t e	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Ajay Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 28-06-2018 Heard learned counsel for the petitioner and the

learned counsel for the informant as well as the learned counsel

appearing on behalf of the State.

The petitioner is in custody since 03.01.2018 in
connection with Kusheshwar Asthan P.S. Case No.231 of 2017,
corresponding to G.R. No.911 of 2017, registered for the
offence under Sections 302 and 201/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that
though the petitioner was not named in the F.I.R., subsequently,
on the basis of the confessional statement made before the



police by one Ram Babu Sharma, the petitioner has been taken into custody. It is further submitted that no incriminating article was recovered from the possession of the petitioner and he has also not been placed on T.I. Parade. It is further submitted that similarly situated co-accused has also been extended the privilege of bail in Cr.Misc. No.16086 of 2018, vide order dated 13.04.2018.

Learned counsel for the informant submits that the name of the petitioner has clearly surfaced during the course of investigation and, therefore, he may not be extended the privilege of regular bail.

Considering the aforementioned facts and circumstances and also because the petitioner is also not having any criminal antecedent, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Biraul at Benipur, District-Darbhanga, in connection with Kusheshwar Asthan P.S. Case No.231 of 2017, corresponding to G.R. No.911 of 2017, subject to the following conditions :

(1) One of the bailors will be the father of the petitioner.



(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 his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4)The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

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(Anjana Mishra, J)

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