

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35645 of 2018

Arising Out of PS. Case No.-58 Year-2018 Thana- SAHAR District- Bhojpur

Chhoti Kumar @ Ritesh Kumar, Son of Om Prakash Thakur, Resident of
Village- Maniyach, Police Station- Pawana, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Miss Kanchan Kumari, Advocate

For the Opposite Party/s : Sri Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 28-06-2018 Heard Miss Kanchan Kumari , learned counsel for
the petitioner and Sri Mritunjay Kumar Nirala, learned
Additional Public Prosecutor.

The sole petitioner, having clean antecedent, which
fact has been stated in paragraph no. 3 of the petition ,
apprehending his arrest in connection with Sahar P.S. Case
No. 58 of 2018, corresponding Excise Case No. 465 of 2018 ,
registered for the offence under Section 30(A)/38 of the Bihar
Prohibition and Excise Act, 2016, has prayed for grant of bail
in the event of his arrest or surrender.

Learned counsel for the petitioner submits that in this
case nothing was recovered from possession of the petitioner



and petitioner has been made accused only on the basis of confessional statement of co-accused namely: Munna Kumar and Mukesh Kumar who were apprehended by Police at the bus stand .

Sri Mritunjay Kumar Nirala, learned Additional Public Prosecutor opposing the prayer submits that Police had noticed four persons standing near bus stand and after noticing Police two succeeded in fleeing away and petitioner was one of the persons who fled away, but he was not in a position to satisfy the court as to whether beyond confessional statement of co-accused any other cogent material is against the petitioner or not.

Considering the fact that petitioner is having clean antecedent , nature of accusation as well as the fact that petitioner has been made accused only on the basis of confessional statement of co-accused, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Chhoti Kumar @ Ritesh Kumar be enlarged 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 learned Additional District and Sessions Judge – IV, Bhojpur / concerned court in connection with Sahar P.S. Case No.



58 of 2018 corresponding Excise Case No. 465 of 2018
subject to the conditions as contemplated under Section 438 (2)
of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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