

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7726 of 2018

Arising Out of PS.Case No. -67 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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1. NITISH KUMAR YADAV @ NITISH YADAV S/o Dinesh Prasad
Yadav, R/o Village- Baluwa, P.S.- Laukaha, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit

For the Opposite Party/s : Mr. Sri Sanjay Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 27-02-2018 Heard the learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 29.07.2016 in
connection with Phulparas P.S. Case No. 67/2016 for the offences
registered under Section 394 of the Indian Penal Code and Section
27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R., but subsequently in the
confessional statement made before the police by co-accused
Ranjeet Yadav, he has been named in the present case. He further
submits that as yet no T.I.P has been held and there was also no
recovery from the possession of the petitioner. It has further been
submitted that in several cases, the petitioner has been made



accused on the basis of confessional statement and in all such cases, he is on bail.

Considering the aforesaid facts and the period of custody already undergone by the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Jhanjharpur in connection with Phulparas P.S. Case No. 67/2016, subject to the following conditions:-

- (1) One of the bailors will be his own relative, preferably, father, mother, brother, sister and/or his wife.
- (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.

(Anjana Mishra, J.)

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