

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36554 of 2018

Arising Out of PS.Case No. -49 Year- 2018 Thana -BHAGALPUR KOTWALI District -
BHAGALPUR

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1. Kundan Sah @ Kundan Kumar @ Kundan Kumar Sah Son of
Ramwarat Sah @ Sri Ram Baran Sah resident of Mohalla - Mirjanhat
Warsaliganj, Near Thakurbari, P.S. Mojahidpur, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 03-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 395/397 of the Indian Penal Code. Later on offence under Section 396 of the Indian Penal Code was added.

The FIR for the occurrence under Section 396 of the Indian Penal Code is against unknown. The petitioner confessed before the police that he and others had looted the victim and co-accused Manish had fired at him causing his death.

Submission of the learned counsel for the petitioner is that the confession before the police while in police



custody is not relevant and co-accused Ashish Banerjee @ Santosh Goswami has already been allowed bail by this Court. Petitioner is in custody since 29.01.2018. Investigation of the case is already complete. There is no other substantial material against the petitioner.

Finding substance in the submission aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Kotwali (Tilkamanjhi) P.S. Case No.49 of 2018, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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