

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.62297 of 2017**

Arising Out of PS.Case No. -663 Year- 2016 Thana -ARA NAWADA District- BHOJPUR

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1. KAMTA KUSHWAHA @ KAMTA KUSWAHA (PRASAD) @  
KAMTA KUSHWAHA (PRASAD) S/o Late Harihar Prasad, R/o Mohalla-  
Anaith, P.S.- Arrah- Nawada, District- Bhojpur (Ara).

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mithilesh Kumar Rai

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR  
JHA**

**ORAL ORDER**

2      24-01-2018                      Heard both sides.

Petitioner seeks bail in Nawada P.S. Case No.663 of  
2016 registered under Section 302, 201 and 34 of the Indian Penal  
Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that the  
prayer for bail of the petitioner was earlier rejected by this court  
vide order dated 07.04.2017 with an observation that the petitioner  
may, if so advised, renew his prayer for bail after remaining one  
year in judicial custody. Petitioner is in jail since 02.12.2016.  
Petitioner has already remained in jail for more than one year.  
There is no allegation of killing against the petitioner. Raju  
Choudhary in his confessional statement disclosed that Gautam



fired from his pistol which hit on the face of the deceased and thereafter the petitioner and others took the dead body to different place. At best, an offence under Section 201 can be made out against the petitioner.

The petitioner has already remained in jail for more than one year and similarly situated co-accused Niraj Kumar @ Niraj Kushwaha has been granted bail vide order dated 06.11.2017 passed in Cr. Misc. No.44773 of 2017.

Considering the facts aforesaid, the petitioner, above named, is directed to 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 Chief Judicial Magistrate, Bhojpur at Arrah in connection with Nawada P.S. Case No.663 of 2016.

**(Prabhat Kumar Jha, J)**

Saurabh/-

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