

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57750 of 2018

Arising Out of PS.Case No. -119 Year- 2018 Thana -BANMANKHI District- PURNIA

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1. Pritam Kumar Chaudhary @ Pritam Kumar, Son of Late Dilip Choudhary, R/o Mohalla- Rajhat Banmankhi, P.S.- Banmankhi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 03.07.2018 in connection with Banmankhi P.S. Case No. 119/2018 registered for the offences punishable under Sections 302/120 B of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that admittedly the petitioner is not named in the First Information Report and the recitals of the First Information Report itself explicitly reveal that there is no eye-witness to the occurrence. It is further submitted that the petitioner has been named as an accused only later in the confessional statement made before the police by one Natwar Kumar Choudhary who was subsequently arrested. Learned counsel for the petitioner further submits that



the petitioner cannot be indicted on the basis of the confessional statement made before the police and the story of land dispute between the parties is a figment of imagination and, if at all, it did exist and there is no cogent material to implicate the petitioner.

Having considered the entire facts and circumstances of the case and that the petitioner has got a clean antecedent, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea, in connection with Banmankhi P.S. Case No. 119/2018, subject to the following conditions:-

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