

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20358 of 2018

Arising Out of PS.Case No. -217 Year- 2017 Thana -LAURIYA
District- WEST CHAMPARAN (BETTIAH)

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Anil Kushwaha, S/o Rajendra Kushwaha, Resident of Village- Sikta,
Padari, Police Station- Lauriya, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 04-05-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 25.09.2017 in connection with Sessions Trial No.16 of 2018, arising out of Lauriya P.S. Case No.217 of 2017, registered for the offence under Sections 302, 201, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that though the petitioner and the deceased were last seen by one Gayasuddin Mian and thereafter the body of the deceased was recovered in Chhath Ghat, there is no eye-witness to the occurrence. The other pillion rider on the motorcycle, namely, Abhay Kumar, who was also last seen with the deceased, has



since been extended the privilege of regular bail, vide order dated 15.02.2018 passed in Cr.Misc. No.3538 of 2018. Learned counsel for the petitioner thus submits that save and except the said material, which has come in the diary, there is no further material and the self-confession made by the petitioner before the police cannot be used as the same has no evidentiary value.

Learned counsel for the State after perusal of the case diary submits that it is a case of last seen and the self-confessional statement of the petitioner also shows that he was also party to the alleged crime.

Having considered the facts and circumstances of the case and that the self-confessional statement made before the police cannot be used against the petitioner and also because the similarly situated co-accused Abhay Kumar has been extended the privilege of bail, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge, West Champaran at Bettiah, in connection with Sessions Trial No.16 of 2018, arising out of Lauriya P.S. Case No.217 of 2017, subject to the following



conditions :

(1) One of the bailors will be his own blood 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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