

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24836 of 2019

Arising Out of PS. Case No.-437 Year-2018 Thana- DANAPUR District- Patna

Sumit Kumar @ Sumit @ Raju Kumar, Son Of Kaushal Kishore Singh @ Dharmendra Rai, Resident Of Village- Dumra, P.S.- Belsand, District- Sitamarhi, at present resident of Mohalla- Tarachak, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Usha Kumari Singh, Advocate Mr. Hitesh Suman, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is in custody since 22.09.2018 in connection with Danapur P.S. Case No.437 of 2018 registered for the offence under Sections 385, 387, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that though the petitioner is not named in the FIR, however, on the basis of the confessional statement made before the police by co-accused Vivek Kumar, the petitioner was taken into custody and since is languishing in jail. He further submits that though it is alleged that the petitioner is having criminal antecedents, so far as the present case is concerned, he has no concern with it and till date, no T.I. Parade is conducted in the present case.



Having considered the entire facts and circumstances of the case and that the confessional statement made before the police by co-accused has no evidentiary value vis-a-vis the petitioner, 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 A.C.J.M.-I, Danapur in connection with Danapur P.S. Case No.437 of 2018, 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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