

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70598 of 2018

Arising Out of PS. Case No.-89 Year-2013 Thana- KUTUMBA District- Aurangabad

Nageshwar Singh, Son of Janki Singh, Resident of Village-Ratan Karma,
Police Station-Nabinagar, District-Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Nivedita Nirvikar, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 17.07.2018 in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the Criminal Law (Amendment) Act.

The prosecution case got initiated on the basis of written report of Binod Kumar Singh to the Station House Officer, Kutumba Police Station is to the effect that on 01.08.2013 at 9.00 A.M., the informant's brother Ajay Kumar Singh along with brother-in-law of Vivek Kumar Singh went to Aurangabad, but did not return. Subsequently, it was found that they were being killed, leading to registration of FIR



against unknown. During investigation, one co-accused Binda Singh made confession and named the petitioner for his involvement in the commission of offence.

It is submitted by learned counsel for the petitioner that except the confessional statement of co-accused Binda Singh, no material has been collected against the petitioner during investigation and only on the basis of suspicion, the petitioner has been roped in the present case. The said fact also gets reflected from the impugned order. It is further submitted that though the petitioner is accused in thirteen other cases, but except one case, in all the cases he has been granted bail and in most of the cases, he has been dragged only on the basis of suspicion.

Learned APP for the State submits that the petitioner has serious criminal antecedent and he has been named by co-accused Manoj Kumar.

Considering the fact that the impugned order which has been passed after going through the case diary only reflects that the petitioner's name sprang up on the basis of confession of co-accused Binda Singh, who has been granted bail vide order dated 03.02.2015, passed in Criminal Miscellaneous No.4502 of 2015, let the above named



petitioner be released 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 ACJM-VII, Aurangabad, in connection with Kutumba P.S. Case No. 89 of 2013.

Since the petitioner has serious criminal antecedent, learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions or gets substantially involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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