

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.9918 of 2020

Arising Out of PS. Case No.-12 Year-2013 Thana- KHUDWA District- Aurangabad

KAPIL BHUIYAN @ TAPESHWAR BHUIYAN@ TAPESHWAR
RIKIYASHAN, aged about 53 years, Male, Son of Late Ramdeo Bhiyan,
Resident of Village-Dugal Tole Jagrup Bigha, P.S-Kasma, District-
Aurangabad (Bihar) ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Lal Bahadur Singh, Adv.

For the Opposite Party : Mr. Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks bail in connection with Khudwan
P.S. Case No. 12 of 2013, registered under Sections 147, 149,
341, 427, 435 and 384 of the Indian Penal Code, 27 of the Arms
Act and 17 of the Criminal Law Amendment Act.

Submission is that it would appear from the first
information report that on the basis of the fardbeyan of Md.
Arshad, Khudwan P.S. Case No. 12 of 2013 was instituted
against unknown. In course of investigation, the police
recorded the confessional statement of co-accused, Subodh
Sharma, as detailed in paragraph 46 of the case diary, who
disclosed the name of the petitioner and others, having hand in
the present case. The petitioner is in custody since 30.06.2018.
Umesh Yadav, whose name was also disclosed by Subodh
Sharma, has already been allowed the privilege of bail vide Cr.
Misc. No. 13183 of 2014 on 05.08.2014.



Submission is that in fact, the petitioner is accused in four cases out of which he is on bail in three cases, except Salaiya P.S. Case No. 10 of 2014, due to that reason the petitioner has been implicated in this case showing his name in confessional statement of co-accused.

Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Khudwan P.S. Case No. 12 of 2013 to the satisfaction of the Subdivisional Judicial Magistrate, Aurangabad, subject to the condition that out of two bailors, one must either be parent or close relative of the petitioner and the petitioner will give undertaking that he will appear in Court on each and every date and if he fails to appears, on two consecutive dates without any valid and cogent reason, his bail bond shall stand cancelled by the lower Court itself.

(Rajendra Kumar Mishra, J)

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