

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17815 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- GAIGHAT District- Muzaffarpur

BITTU KUMAR @ BITHLA @ BITALA SON OF RAM KISHORE RAI
R/O VILLAGE - BASAULI TOLE MOLMAMMA, P.S. KUDHANI,
DISTRICT - MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 10-08-2021 Heard the parties in virtual Court.

Let the defects be removed within four weeks after
start of the physical Court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 395, 397, 412 of the Indian
Penal Code and Section 27 of the Arms Act.

The FIR of the occurrence of *dacoity* is against
unknown. Name of the petitioner surfaced in the confessional
statement of co-accused, namely, Amir Kumar.

Submission is that neither the petitioner was put on
T.I. Parade during investigation of the case nor any
incriminating article was recovered from possession of the
petitioner. Only material against the petitioner is confessional
statement of co-accused before the police while in police



custody which cannot be proved as evidence as per bar of Section 26 of the Evidence Act.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gaighat Police Station Case No. 91 of 2020, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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