

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9234 of 2022

Arising Out of PS. Case No.-347 Year-2021 Thana- BIHAR District- Nalanda

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Gulshan Kumar, Son Of Late Vijay Yadav Resident Of Village - Porajit
(Korajit), P.S.- Wena (Rahui), Distt.- Nalanda.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-04-2022 The present case has been taken out of turn based on mentioning made by the learned counsel for the petitioner on the ground that younger brother of the petitioner Gautam Kumar is getting married to Rakhi Kumari on 14.05.2022 and his father has died earlier.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 420, 379, 341, 323/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 23.08.2021, charge-sheet has been submitted in this case and has antecedent of one case.

The learned counsel for the petitioner further submits



that the informant alleges that three accused looted the informant of a mobile, ATM Card after assaulting him also took PIN number of his ATM and withdrew Rs.1,10,500/- from his S.B.I. Account.

The learned counsel for the petitioner submits that the F.I.R. was against unknown. The petitioner was arrested in Bihar P. S. Case No.392 of 2021 and was made to confess his participation in the present case. It is submitted that the confession in custody is not admissible in evidence.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in this case and his name came based on his own confession, the petitioner, above-named, is directed to be released on **provisional bail** on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bihar P. S. Case No.347 of 2021.

However, it is made clear that the learned Court below shall seek a report from the Superintendent of Police, Nalanda as to whether the brother of the petitioner is getting married on 14.05.2022 or not. In the event, if the report records



that the Court was misled for the purposes of obtaining bail, the provisional bail granted to the petitioner shall forthwith be cancelled and all coercive steps shall be taken to take back the petitioner in custody. In the event, if the report records that the brother is getting married on 14.05.2022, the learned Court below shall forthwith confirm the provisional bail granted to the petitioner.

The application stands disposed of.

(Satyavrat Verma, J)

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