

Nitish Kumar Vs. the State of Bihar

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Court : Patna

Decided On : May-24-2012

Appellant : Nitish Kumar

Respondent : The State of Bihar

Judgement :

Patna High Court Cr.Misc. No.36556 of 2011 (3) dt.24-01-2012 IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.36556 of 2011

===== Nitish
Kumar, S/O Shri Dinesh Singh, R/O Village - Yarpur, P.S. Hilsa, Distt. - Nalanda
.... Petitioner/s Versus The State Of Bihar Opposite Party/s
===== With
Criminal Miscellaneous No.43253 of 2011
=====

Santosh Kumar son of Rabindra Garain R/O Vill. Malama, P.S. - Hilsa Nalanda.
.... Petitioner/s Versus The State Of Bihar Opposite Party/s
===== With
Criminal Miscellaneous No.43340 of 2011
=====

Dinesh Prasad @ Dinesh Singh Mukhiya S/O Durga Prasad, Village Yarpur P.S.
Hilsa, District Nalanda Petitioner/s Versus The State Of Bihar
Opposite Party/s
=====

CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

24. 01-2012 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State. The petitioners apprehending their arrest in connection with Hilsa P.S. Case No. 146/2011 for the offences under Sections 302 of the Indian Penal Code. In this case instituted against unknown. Petitioners name Patna High Court Cr.Misc. No.36556 of 2011 (3) dt.24-01-2012 emerged during investigation in extra judicial confession of one Munna Kumar and almost under similarly situated circumstances two of the co- accused Rajesh Kumar and Pramod Kumar have already been granted privilege by a Bench of this Court vide orders dated 21.11.2011 passed in Cr. Misc. No. 31484/2011 and Cr. Misc. No. 30275/2011. Out of the three petitioners, Santosh Kumar carries no criminal antecedent as is evident from paragraph 111 of the case diary. Petitioner namely, Nitish Kumar has also one case, but submission is that he has been acquitted. If, it is so, and petitioner Dinesh Prasad @ Dinesh Singh Mukhiya has one criminal case of minor offences as mentioned in paragraph 111 of the case diary no other case. Considering the facts and circumstances of the case, in the event of their arrest or surrender within a period of four weeks, let the above-named petitioners be enlarged on bail on furnishing bail bond of sum of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Hilsa, in connection with Hilsa P.S. Case No. 146/2011, subject to condition under section 438(2) of the Code of Criminal Procedure, and additional condition to attend the court regularly till disposal of the case, in the event of failure on two consecutive dates, without any reasonable explanation, the privilege granted shall be deemed to be cancelled. Rajeev/- (Akhilesh Chandra, J.)

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