

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36458 of 2017

Arising Out of PS.Case No. -158 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. NITISH SINGH @ NILESH SINGH Son of Radha Singh, R/o Village-
Math Gobardhan, P.S.- Kalyanpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 09-10-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
03.12.2016 in connection with S.Tr. No.665 of 2017 arising out of
Kalyanpur P.S. Case No.158 of 2016 registered for the offence
punishable under Section 394 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was returning home on motor cycle from his medical
shop three miscreants snatched his motor cycle, mobile and
Rs.8000/- and fled away.

It has been submitted by the learned counsel for the
petitioner that he is innocent and not named in the F.I.R. and it is
only on the basis of confessional statement of co-accused he has



been made accused. He submits that one of the co-accused has been granted privilege of bail by a coordinate Bench in Cr.Misc. No.13937/17 on 24.03.2017. He submits that nothing has been recovered from his conscious possession and charge sheet has been submitted and there is no allegation of tampering with the prosecution witness by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating that the petitioner does not have a clean antecedent and one case of similar nature is pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Motihari, East Champaran, in connection with S.Tr.No.665 of 2017 arising out of Kalyanpur P.S.Case No.158/16 subject to the conditions that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason



will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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