

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43402 of 2017

Arising Out of PS.Case No. -208 Year- 2017 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Nitesh Kumar, son of Rahubir Mahton, resident of village- Pakthaul, P.S.-
Teghra, District-Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-11-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The Petitioner seeks regular bail in connection with
Begusarai Town P.S. Case No. 208 of 2017 for offences alleged
under Sections 461 and 379 of the Indian Penal Code.

The prosecution case, as lodged by the Branch Manager
of Small Finance Bank at Begusarai Branch is that an information
by the petitioner who was the night guard, that a dacoity has taken
place, he found that Rs. 7,22,366/- had been taken away from the
bank by some miscreants. The petitioner, who was the night guard
of the bank was found to have been involved in the aforesaid
offence.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in the
aforesaid case. He has no criminal antecedent and he was the one



who informed on telephone about the dacoity which had taken place and that his hands and eyes were tied when the dacoity was committed while he was present as the night guard. He submits that he has been made accused only on the basis of suspicion and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 208 of 2017, subject to the following conditions:

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner

2. Petitioner will appear before the learned court below during trial as and when required 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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