

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28124 of 2018

Arising Out of PS.Case No. -19 Year- 207 Thana -BARHARA District- BHOJPUR

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1. Nityanand Singh Son of Late Tarkeshwar Singh @ Late Bansropan Singh
Resident of Village/Mohalla - Nathmalpur, P.S. - Barhara, District -
Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2018 Heard learned counsel for the petitioner and the learned
APP for State.

The petitioner is languishing in judicial custody since
20.02.2017 in connection with Barhara (K. Garh) P.S. Case No. 19
of 2017 for the offences punishable under Section-395 of the
Indian Penal Code.

The prosecution case as lodged by the informant is that
he is the servant of Dr. Bhagwati Prasad, who owns an Iron Shop.
While he was going on the tractor to the shop two miscreants
stopped him and four miscreants later came who all possessed
knife and pistol. They took away the tractor.

It has been submitted by the learned counsel for the
petitioner that he is not named in the FIR and has falsely been



implicated in this case. He submits that his name surfaced only in the confessional statement of other co-accused Thakur Yadav before the police which has no evidentiary value in the eye of law. He submits that charge sheet has already been submitted and the petitioner is languishing in judicial custody for more than one year and three months.

However, learned APP for the prayer for bail stating therein that the petitioner does not have a clean antecedent.

Considering the facts and circumstances and material available on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara (K. Garh) P.S. Case No. 19 of 2017, subject to the following conditions:

1. One of the bailers would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
2. If the petitioner indulges in an offence of



similar nature in future, the prosecution
will be at liberty to move the learned court
below for cancellation of his bail bonds.

(Nilu Agrawal, J)

A.K.V./-

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