

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1791 of 2018

Arising Out of PS.Case No. -233 Year- 2017 Thana -BALIA District- BEGUSARAI

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1. Nitin Kumar, Son of Sri Ashok Kumar Chaudhary @ Ashok Chaudhary,
resident of Village & P.O.- Tetari, P.S.- Naugachia, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-03-2018 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since 23.09.2017 in connection with Ballia P.S. Case No. 233 of 2017 for offences punishable under Sections 420, 406, 380, 411/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he had gone to the A.T.M. for withdrawing money, two persons were present inside the A.T.M. kiosk and while he had put his card, they confused him and took out Rs. 10000/- from his card and



rushed to the Alto car which was standing beside the A.T.M. Two persons including the petitioner were apprehended and from the car Rs. 10000/- was recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, was just a driver of the car and that charge-sheet has already been submitted and he has been languishing in judicial custody since nearly six months. He submits that co-accused Shubham Kumar has already been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 1439 of 2018 vide order dated 15th March, 2018.

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 Ballia P.S. Case No. 233 of



2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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