

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4399 of 2019

Arising Out of PS. Case No.-184 Year-2018 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

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Nitish Kumar @ Penter @ Nitesh Kumar son of Sri Sri Umesh Prasad Yadav,
Resident of Village- Lal Pokhar Chak, Jagdishpur, P.S- Sadar Hajipur, Distt.-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Industrial Area (Hajipur) P.S. Case No. 184 of
2018 registered for the offences punishable under Sections 395
of the Indian Penal Code.

Informant has alleged that on 23.10.2018 while he
and his son proceeded for Deoghar with three cows and two
calves of Rajendra Yadav on his pick-up van, in the way 6
persons on three motorcycle arrived and intercepted his vehicle.
Out of them one got seated on driving seat of pick-up van and
proceeded towards Ramashish Chowk and rest accused forcibly
got seated the informant and his son on bike and took them
behind Hajipur Railway station there they took away cash of Rs.
9000/-, cattles and mobile phone from pocket of informant's son



on the point of pistol. They handed over key of pick up van to the informant and said to go to his home and if he will return there, he will be killed.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner has not been put on T.I.P. nor any incriminating article has been recovered from his possession. Petitioner is in custody since 26.10.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Hajipur, in connection with Industrial Area (Hajipur) P.S. Case No. 184 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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