

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11084 of 2019

Arising Out of PS. Case No.-399 Year-2018 Thana- CHANDI District- Nalanda

NITISH KUMAR, aged about 19 years, (M) Son of Satyendra Kumar
Resident of Village - Bhokilapar, P.S.- Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 01-04-2019

Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Sections 406 and 392 of the
Indian Penal Code.

Allegation against petitioner is that he was
functioning as a loan manager of a finance company, where he
in connivance and in conspiracy with other co-accused
misappropriated a sum of Rs. 1,84,410/- and gave it a colour of
loot of money.

It has been submitted on behalf of the petitioner
that he is innocent and has been falsely implicated in this case.
The money was recovered from co-accused Lalu Kumar and
nothing has been recovered from the possession of the



petitioner. Petitioner has got no criminal antecedent and is in custody since 14.12.2018.

Considering the allegation against petitioner, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner named above be released on bail **after completing six months of jail custody by the court below** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Chandi (Bena) P.S. Case No. 399 of 2018**, with following condition:-

(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 the Court and his absence on two consecutive dates without sufficient reason, 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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