

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12963 of 2019

Arising Out of PS. Case No.-116 Year-2018 Thana- PHULWARIA District- Begusarai

1. BITTU KUMAR Son of Ashok Singh Resident of Village - Kesaave, Ward No. 10, Dakshinvadi Tola, P.S. - Barauni Refinery, District - Begusarai.
2. Nitish Kumar @ Nitesh Kumar Son of Ashok Singh Resident of Village - Kesaave, Ward No. 10, Dakshinvadi Tola, P.S. - Barauni Refinery, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

For the Opposite Party/s : Mr.Ansar Ul Haque, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 12.10.2018 in a case registered for the offence punishable under Section 392 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report submitted by Santosh Kumar to the Station House Officer, Phulwariya Police Station is to the effect that on 05.09.2018 at 9.30 P.M., the informant was coming on a



motorcycle to his house, but on the way, the miscreants robbed his motorcycle and a mobile phone on the point of pistol, leading to registration of FIR against unknown. However, during investigation, petitioner no.1, Bittu Kumar was arrested who made confession before police and disclosed the name of petitioner no.2, Nitish Kumar. Consequently, the motorcycle and mobile phone were recovered.

It is submitted by learned counsel for the petitioners that the investigation has already been concluded and they undertake to co-operate in the trial. It is further submitted that the petitioners are accused in one other cases apart from the present case.

Considering the fact that the investigation has already been concluded, the impugned order does not suggest that either the petitioner or the recovered articles have been put on Test Identification Parade, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai in connection with Phulwaria P.S. Case No. 116 of 2018.

Since the petitioners are having criminal antecedent, learned court below will be at liberty to cancel the bail bonds of



the petitioners, if they default for two consecutive occasions or
get involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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