

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13343 of 2019**

Arising Out of PS. Case No.-571 Year-2018 Thana- KHAGARIA District- Khagaria

Nitish Kumar, S/o Tarkeshwar Mahto, Resident of Village- Mathurapur, P.S.
and District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 07-03-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
23.08.2018 in connection with Khagaria P.S. Case No.571 of
2018 registered for the offences punishable under Sections 457
and 380 of the Indian Penal Code.

Prosecution case as per the written report of Subodh
Kumar submitted to S.H.O. Khagaria is to the effect that on
20.08.2018 at 11-12 P.M., some unknown miscreants entered
into the house of the informant and committed theft cash
amount of Rs.6500/-, a gold Mangalsutra and a mobile phone
containing two SIMS.

It is submitted by learned counsel for the petitioner
that merely on the basis of suspicion, he has been framed in the



present case. Statement has been made in paragraph no.3 of the bail application that the petitioner is not having any criminal antecedent.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that stolen mobile has been recovered from possession of the petitioner.

Considering the fact that the impugned order does not suggest stolen mobile being recovered from conscious physical possession of the petitioner and the statement made in paragraph no.3 of the bail application that the petitioner is not having any criminal antecedent, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Brajesh Kumar, Judicial Magistrate, Ist Class, Khagaria in connection with Khagaria P.S. Case No.571 of 2018.

(Dinesh Kumar Singh, J)

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