

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16396 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- PAKARIBARAW District- Nawada

NISHANT KUMAR @ TONY KUMAR, aged about 19 years, Male, Son of
Satish Kumar, Resident of Village- Mirchak, P.S.- Warisaliganj, District-
Nawada ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ravish Chandra, Adv.
For the Opposite Party : Mr. Ashraf Ansari, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
29.01.2019 in connection with Pakribarawan P.S. Case No. 222
of 2018 for the offence alleged under Section 392 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while he was returning to his home on his motorcycle, two
miscreants in a motorcycle stopped his way and stole away his
two mobiles, documents of the vehicle, Rs.3,000/- and Adhar
card. They tried to snatch the motorcycle also, but, failed.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the first information
report and has been falsely implicated in the aforesaid case on
the basis of the confessional statement of the co-accused before



the police, which has no evidentiary value in the eye of law. It is, further, submitted that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. No test identification parade has been done so far and nothing has been recovered from the conscious possession of the petitioner.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case, under the Arms Act, is pending against him.

Considering the nature of allegations and the materials on record, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Pakribarawan P.S. Case No. 222 of 2018 to the satisfaction of Mr. Bimlesh Kumar, learned Judicial Magistrate, 1st Class, Nawadah, or the successor Court subject to the following conditions :

(i) 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.

(ii) If the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move the
learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

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