

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31828 of 2019

Arising Out of PS. Case No.-94 Year-2018 Thana- NAGARNAUSA District- Nalanda

Nitish Kumar @ Nitish Prasad, aged about 22 years, Gender-Male, Son of Lala Prasad @ Lala Yadav Resident of Village - Oli Bigha, P.S.- Chandi, District - Nalanda.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhola Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-05-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 414/34 of the Indian Penal Code registered in connection with Nagarnausa P.S. Case No. 94 of 2018.

3. It is submitted that the petitioner has been falsely implicated in connection with the alleged recovery of diesel pump-sets from Bolero Pick-up van upon search by the police during patrolling. It is stated that the petitioner is not named in the FIR and he is neither driver nor the owner of the subject vehicle nor has any concern with the recovery of the articles. Nothing has been recovered from the possession of the petitioner nor from his house. It is therefore submitted that the petitioner's name has transpired on the confessional statement of co-accused Sonu Kumar @ Rajiv Kumar, except which there is no objective material to connect the petitioner with the alleged occurrence. It is further submitted that no case has been lodged for theft of the aforesaid articles and as such, the case for the offence alleged against him is not made out. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest



or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Mr. Sunil Kumar Singh V, learned Judicial Magistrate, 1st Class, Hilsa, District Nalanda in connection with Nagarnausa P.S. Case No. 94 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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