

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71735 of 2018

Arising Out of PS. Case No.-140 Year-2018 Thana- KUMAR KHAND District- Madhepura

Nitish Kumar son of Nityanand Yadav, resident of Village- Raghuniya, P.S.
Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Kumar

For the Opposite Party/s : Mr.Sri Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
23.07.2018 in a case registered for the offence punishable
under Section 395 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan
of Bhagwan Mandal, recorded by S.I. Ravi Kant Kumar,
SHO , Bhatni (O.P.) Police Station on 17.07.2018 at 02.00
P.M. to the effect that on the same day, the informant was
robed of 35,000/- cash, a mobile phone and a walleat
containing a cheque without signature of the informant by six
miscreants moving on three motorcycles, leading to
registration of the FIR against five persons and one unknown.
The name of the petitioner sprang up on the confessional



statement of co-accused Manoj Kumar. Subsequently, the petitioner was arrested with one motorcycle which was used in committing the alleged occurrence and two mobile phones.

It is submitted by learned counsel for the petitioner that though from the possession of the petitioner, two mobile phones and one motorcycle were recovered, but the said mobile phone belong did not belong to the informant and there is no accusation of robbing the motorcycle. It is further submitted that co-accused Manoj Kumar on whose confession, the petitioner's name sprang up, has been granted bail by a co-ordinate Bench of this Court vide order dated 30.01.2019 passed in Criminal Miscellaneous No. 3636 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of co-accused Manoj Kumar.

Considering the fact that there is no recovery of robbed articles from the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Madhepura in connection with Kumarkhand P.S. Case No. 140 of 2018.

(Dinesh Kumar Singh, J)

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