

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6 of 2020

Arising Out of PS. Case No.-302 Year-2019 Thana- DAUDNAGAR District- Aurangabad

NITISH KUMAR @ NITISH YADAV @ PINTU KUMAR Son of Arvind
Kumar Singh Resident of Village - Pandit Bigha, P.S.- Barun, District -
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 01-06-2020 The present case was heard at length on 27.05.2020
and today, it has been listed under the heading “For Orders”.

The petitioner seeks regular bail in connection with Daudnagar PS case no. 302 of 2019 instituted for the offences punishable under Sections 395/397 of Indian Penal Code.

The case of the prosecution in brief is that the father of the informant is the proprietor of Jai Maa Kali Travels and the informant had collected the sales amount for the past three days amounting to a sum of Rs. 20 lacs and 85 thousands in cash, two cheques and one cash voucher had been filled by him and the same were being taken for being deposited in the State Bank of India Branch at Daudnagar and while the



informant along with his staff was going on his motorcycle on 16.09.2019 at about 1.20 pm in the day time to the said State Bank of India Branch for depositing the aforesaid amount and had reached near the canal bridge of Daudnagar, two persons riding on a Pulsar motorcycle had overtaken their motorcycle and stopped them, whereafter three more accused persons had come there. Subsequently, one of the said accused persons had fired from his pistol upon the informant which had hit him on the palm of the right hand and then, the same had hit on the right side of the stomach of the informant, while the other accused persons had snatched the bag containing the aforesaid cash amount and other documents/ cheques. The said five accused persons had then fled away and the informant is stated to have become unconscious, whereafter he was brought to Paras Hospital at Patna.

The learned Senior counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the name of the petitioner has transpired in the confessional statement made by other co-accused persons which has got no evidentiary value in the eyes of law. It is further submitted that no test identification parade has been held so as to connect the



petitioner with the alleged crime. It is also submitted that though the petitioner is an accused in five other cases but he is on bail in all the said cases. The petitioner is stated to be languishing in custody since 13.10.2019. The learned Senior counsel has further submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 18.03.2020 passed in Cr. Misc. no. 85862 of 2019 and the order dated 17.01.2020 passed in Cr. Misc. no. 86762 of 2019.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior counsel for the petitioner coupled with the fact that neither any test identification parade has been held nor there is any concrete material in the case diary which can conclusively prove the guilt of the petitioner at the moment apart from his confessional statement, which has got no evidentiary value in the eyes of law as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted regular bail by co-ordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner upon him



furnishing personal bond to the satisfaction of learned S.D.J.M., Daudnagar in connection with Daudnagar PS case no. 302 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned S.D.J.M., Daudnagar in connection with Daudnagar PS case no. 302 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

(Mohit Kumar Shah, J)

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