

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14266 of 2020

Arising Out of PS Case No.-1094 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Nitish Kumar Pandey, aged about 19 years, Male, Son of Rupesh Kumar Pandey, Resident of Village - Rahua, P.S.- Bihra, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Saroj Shandilya, Advocate

For the State : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Ms. Soroj Shandilya, learned counsel for the petitioner and Mr. Anil Kumar Singh No. 1, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Kotwali (Jagsar) PS Case No. 1094 of 2019 dated 14.12.2019 instituted under Sections 411, 413, 414 and 401 of the Indian Penal Code.

4. The petitioner, though not named in the FIR, has been made accused and the allegation is that he was member of a gang which dealt in stolen motorcycle.



5. Learned counsel for the petitioner submitted that only on the confessional statement of co-accused Chandan Kumar, who has been named in the FIR, he has been made accused. It was submitted that there has been no recovery from his possession and he has no criminal antecedent and is in custody since 16.12.2019. It was submitted that Sujit Kumar was initially caught by the police, who had named six other persons as his accomplice, including Chandan Kumar, who is said to have been the gang leader. It was submitted that earlier when Chandan Kumar was caught he had taken the name of the petitioner as one of his partners. Learned counsel submitted that during investigation it has come that Chandan Kumar was the gang leader and he has been granted bail in Cr. Misc. No. 12331 of 2020 on 28.02.2020. It was submitted that co-accused Subham Kumar has also been granted bail in Cr. Misc. No. 12185 of 2020 on 29.02.2020, whereas Satyam Kumar, has been granted bail in Cr. Misc. No. 10333 of 2020 on 01.06.2020.

6. Learned APP could not controvert the fact that the petitioner is not named in the FIR and that there has been no recovery from him.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the



petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Kotwali (Jogsar) PS Case No. 1094 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

AFR/NAFR	
U	
T	

