

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18182 of 2020

Arising Out of PS. Case No.-171 Year-2019 Thana- HULASGANJ District- Jehanabad

Nitish Kumar, S/o Rajendra Paswan, R/o Village- Utimpur, P.S.- Hulasganj,
District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-06-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Hulasganj P.S. Case No.171 of 2019 instituted for the offence punishable under Sections 414, 467, 468, 471 and 420 of the Indian Penal Code.

Recovery of stolen motorcycle from the house



of the petitioner has led to the institution of the present case.

Petitioner's counsel submits that the petitioner has no criminal antecedents. He is in custody since 25.11.2019 whereas it has wrongly been recorded in the earlier order dated 03.03.2020 passed in Cr.Misc. No.9027 of 2020, filed by the petitioner for bail, that the petitioner is in custody since 04.01.2020. The Court on that day has refused the petitioner's prayer for bail and observed that once the chargesheet is submitted, the petitioner would be at liberty to renew his prayer for bail.

Learned counsel for the petitioner submits that the chargesheet had been submitted on 24.01.2020, but due to inadvertence, the same could not be brought to the notice of the Court when the order dated 03.03.2020 was being passed in Cr.Misc. No.9027 of 2020. It is further submitted that other co-accused, namely, Gulsan Kumar and Kavi Kumar have been allowed bail in Cr.Misc. No.7806 of 2020 and Cr.Misc. No.5676 of 2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.



Accordingly, let the petitioner, above named, 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 the learned Sub-divisional Judicial Magistrate, Jehanabad, in connection with Hulasganj P.S. Case No.171 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

