

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18275 of 2020**

Arising Out of PS. Case No.-183 Year-2019 Thana- MANSI District- Khagaria

NITISH KUMAR Son of Mukesh Singh Resident of Village - Dharamchak,
P.S.- Mansi, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 04-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

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

The petitioner seeks regular bail in connection with Mansi P.S. Case No. 183 of 2019, registered for the offence punishable under Section 394 of the Indian Penal Code.

The accusation of the informant is that after he had closed his petrol pump at about 22.30 hours on 28.7.2019 and was going to his village, carrying the cash of the oil sold amounting to a sum of Rs. 13,400,85/- along with his staff members, the accused persons intercepted him and fired from their pistol



resulting in the informant falling down whereafter they sprinkled chilly powder on the face of the informant resulting in eye irritation to him whereafter the accused persons fled away after snatching the bag containing the aforesaid amount.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case, he is not named in the FIR, however, his name has transpired in the present case upon confessional statement made by the co-accused person, namely, Sumit Kumar. It is submitted that the said Sumit Kumar has already been granted bail by a coordinate Bench of this Court vide order dated 17.1.2020 passed in Criminal Miscellaneous No. 79740 of 2019, hence, the petitioner is also entitled to the privilege of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the fact that the petitioner is languishing in custody since 20.9.2019 and taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be



enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIIrd, Khagaria in connection with Mansi P.S. Case No. 183 of 2019 (GR No. 2176 of 2019).

(Mohit Kumar Shah, J)

Ajay/-

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