

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23348 of 2020

Arising Out of PS. Case No.-252 Year-2019 Thana- BELA District- Sitamarhi

Nitish Kumar @ Dabang S/o Ganesh Rai, resident of Village- Naranga, P.S.-
Bela, Distt- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Mahendra Thakur, Advocate
		Mr. Sanjay Kumar, Advocate
For the Opposite Party	:	Mr. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 23-12-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State via video
conferencing.

2. The petitioner has filed the present
application under Sections 439 and 440 of the Code of Criminal
Procedure for grant of bail in connection with Bela P.S. Case
No.252 of 2019 registered under Section 394/34 of the Indian
Penal Code.

3. It is submitted by the learned counsel for the
petitioner that though the petitioner was remanded in connection
with the present case on 24.12.2019 itself, he has neither been
put on test identification parade nor the amount of Rs.9800/-
recovered from the room of his house has been put on test



identification parade. It is further contended that save and except the confessional statement of the petitioner recorded in course of investigation by the police and the confessional statement of some other co-accused persons made before the police, there is no other material to connect the petitioner with the alleged offence.

4. While opposing the prayer for bail of the petitioner, learned Additional Public Prosecutor for the State contended that the case relates to loot of about Rs.9 lakh on the point of pistol from the petrol pump and the involvement of the petitioner has been found by the police during investigation.

5. Having heard the parties and perused the case diary, since neither the petitioner, who is in custody for about an year nor the money recovered from his possession was put on test identification parade, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sadar, Sitamarhi in connection with Bela P.S. Case No.252 of 2019.

6. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to



adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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