

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27592 of 2020

Arising Out of PS. Case No.-380 Year-2019 Thana- TEKARI District- Gaya

NIKU KUMAR @ JATU S/o Vinay Paswan Resident of Village-Nepa, P.S.-
Tekari, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-10-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 394 and 414 of Indian Penal
Code.

The prosecution case in brief is that, on 19.10.2019 at
about 5:00 A.M., informant after purchasing the vegetables was
returning to his home when 3 miscreants on motorcycle, which
is without number, intercepted the informant and started
assaulting and took away the tempo. It is further alleged that the
Panchanpur O.P. has received a secret information that looted
vegetables were kept at village Gaharpur in the house of one
Anu Kumar. On raid, looted vegetables and a tempo have been
recovered from the house of one Anu Kumar.



It is submitted by learned counsel for the petitioner that the petitioner is not named in the F.I.R. Petitioner has been made accused in this case only on the basis of the confessional statement of the co-accused. Nothing incriminating article has been recovered from the possession of the petitioner. T.I.P. has not been held. It is further submitted that co-accused (Anu Kumar), from whose possession concerned articles were recovered, has already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 03.09.2020 passed in Cr. Misc. No. 21705 of 2020. Petitioner is in custody since 19.12.2019.

Considering the facts of the case, 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 learned Additional Chief Judicial Magistrate- 6th, Gaya in Tekari (Panchanpur) Police Station Case No. 380 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

Ankit/-

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