

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84805 of 2019**

Arising Out of PS. Case No.-150 Year-2019 Thana- MOTIPUR District- Muzaffarpur

NISHANT KUMAR @ CHINKI RAI @ KARAN, Son of Shri Gajadhar Pd.
Yadav, Resident of Village - Barjee, P.S.- Motipur, Distt - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Advocate
For the Opposite Party/s : Mr.Anil Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 27-05-2020 This application has been placed for consideration

by the order of the Hon'ble the Chief Justice through virtual

court proceeding.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Motipur P.S. Case No. 150 of 2019 registered

for the offences punishable under Section 392 of the Indian

Penal Code.

Learned counsel for the petitioner submits that the

name of the petitioner has transpired in this case in the

confessional statement of the petitioner himself but nothing

incriminating has been recovered from the possession of the



petitioner. It is further submitted that the petitioner has remained in custody for over one year by now.

Learned A.P.P. for the State does not deny the fact that there is no recovery from the possession of the petitioner and he has remained in custody for over one year.

Learned counsel for the petitioner submits that during pendency of this application petitioner has been granted bail in respect of the cases under Sl. Nos. 5 and 6.

Learned A.P.P. does not dispute the position that the petitioner is in custody in connection with this case since 07.05.2019 and there is no recovery of the looted article from the possession of the petitioner. In this respect statement has been made in paragraph '12' of the petition that no incriminating article has been recovered.

Considering the facts and circumstances of the case, let the petitioner above named be released on bail in connection with Motipur P.S. Case No. 150 of 2019 on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During the Pandemic Period'.

