

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25514 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- CHHABILAPUR District- Nalanda

Nitish Kumar, S/O- Late Suresh Yadav @ Late Suresh Prasad, Resident of
Village- Gopal Chak, P.S.- Khudaganj, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-09-2021 At the outset, learned counsel for the petitioner seeks permission to make correction in paragraph '3' relating to Police Station Case Number. It is submitted that Police Station Case Number in paragraph '3' of the main petition has wrongly been typed as '78'. The correct Police Station Case Number is '79'.

Permission is granted.

Let the correction be carried out accordingly.

Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Chhabilapur P.S. Case No. 80 of 2020



registered for the offence punishable under Section 414 of the Indian Penal Code. He is in custody since 21.12.2020. Petitioner is accused in one case as stated in paragraph '3' of the petition.

As per the prosecution story, the informant got secret information that two boys fleeing after committing theft of motorcycle of Harinandan Prasad. The informant and villagers chased them on which one miscreant was apprehended with stolen motorcycle by the informant and the another miscreant was caught by villagers.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that except the confessional statement of the arrested accused persons there is no material against the petitioner. Petitioner is in custody since 21.12.2020.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this case has been registered under Section 414 of the Indian Penal Code and the petitioner has remained in custody for over nine months in this case and the investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Nalanda at Biharsharif in connection with Chhabilapur P.S. Case No. 80 of 2020.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.

