

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28988 of 2020

Arising Out of PS. Case No.-216 Year-2019 Thana- BHAGWANPUR District- Vaishali

NISHU KUMAR S/o Ajay Kumar Srivastava @ Ajay Kumar Resident of
Village-Goraul, P.O. and P.S.-Goraul, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 04-01-2021 Heard learned Counsel for the petitioner and the
learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Bhagwanpur PS Case No. 216 of 2019 registered under Section 392 of the IPC.

The prosecution case is that the informant's motorcycle, Adhar Card and some other papers including 13000 rupees cash was looted at gun point by three unknown miscreants.

It is submitted by learned Counsel for the petitioner that the petitioner's implication is on the basis of statement of co-accused having no evidentiary value. There is no recovery of any incriminating material from the petitioner's [possession and co-accused Saurabh Kumar, similarly situated, has been allowed bail in Cr. Misc. No. 18176 of 2020. The petitioner till date has not been put on T.I. Parade and he is on bail in other cases pending against him as per details contained in para 3 of the application. The petitioner is



in custody since 2.5.2020

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Vaishali at Hajipur in Bhagwanpur. PS Case No. 216 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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