

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40034 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- MAHUA District- Vaishali

NITESH KUMAR S/O CHANDRAKET RAY R/O VILLAGE-GARAH, P.S-JANDAHA, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2021 Heard Mr. Alok Kumar Alok, learned counsel for the petitioner and Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor for the State through video conferencing.

Petitioner renews his prayer for bail in connection with Mahua PS Case No. 239/2020 registered for the offence punishable under Sections 392 of the IPC inasmuch as earlier bail application of the petitioner was rejected *vide* order dated 12.04.2021 passed in Cr. Misc No. 6209/2021 (Annexure-1) with liberty to renew his prayer for bail after three months.

The allegation, as per First Information Report, is that two unknown persons along country made pistols entered into the parking area and assaulted the informant and his friend and fled away after snatching a bag containing Rs. 2 Lacs, Adhar Card, PAN Card etc.



Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has transpired in this case on the basis of his self inculpatory confessional statement made by the petitioner in another case bearing Mahua PS Case No. 278/2020. Learned counsel next submits that petitioner was not put on TIP and the recovered amount of Rs. 1750/- was not looted money rather the same belonged to the petitioner. Learned counsel further submits that the petitioner is in custody since 26.06.2020 and since the last rejection of the bail application of the petitioner, the trial has not recorded and progress.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is in custody since 26.06.2020, charge-sheet has already been submitted in the matter, trial is not likely to be concluded in near future due to pandemic of COVID-19 and this is the second attempt of bail on behalf of petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, NITESH KUMAR be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at



Hajipur in connection with Mahua PS Case No. 239/2020.

Covid protocol like social/physical distancing and sporting masks are expected to be followed strictly by the parties while furnishing bail bonds.

(Anil Kumar Sinha, J)

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