

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32023 of 2020**

Arising Out of PS. Case No.-328 Year-2017 Thana- RUNISAIDPUR District- Sitamarhi

NIKESH KUMAR JHA @ NIKESH KUMAR, Son of Babuvan Jha, Resident  
of Village - Balia Dih, P.S. - Benipatti, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar Singh, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, A.P.P.

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

4      02-03-2021      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. B. N. Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Runnisaidpur P.S. Case No. 328 of 2017 registered for the offence under Section 395 of the Indian Penal Code.

Learned counsel for the petitioner submits that the informant in his fardbeyan alleged that on the date of occurrence at 20:35 hours while he was on way to his house he was intercepted by eight miscreants riding on two motorcycle and they snatched his motorcycle, two mobiles and purse containing cash of rupees four thousand. The F.I.R. has been lodged against unknown eight miscreants.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody since 12.03.2020 but he has not been put on Test Identification Parade. No incriminating material has been gathered against the petitioner showing his involvement in the alleged offence.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but he submits after going through the case diary that no material has come in the case diary suggesting his involvement in the alleged occurrence.

Having regard to the facts and circumstances of the case wherein Mr. Pandey, learned A.P.P. for the State, has after going through the case diary informed this Court that no material has come in the case diary suggesting the connection of the petitioner in the alleged occurrence and till date there is no identification of the petitioner, he is in custody since 12.03.2020 in connection with this case and it is stated that the petitioner is on bail in three cases stated in paragraph '3' of the present application, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned ACJM-1, Sitamarhi in connection with Runnisaidpur P.S. Case No. 328 of 2017, 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 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.

This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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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'.

