

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2296 of 2021

Arising Out of PS. Case No.-702 Year-2019 Thana- SAHARSA District- Saharsa

NITISH KUMAR son of Rajendra Yadav Resident of Village- Bela Bagroli,
Barahsher, Ward No. 13, P.S.- Bihra, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh
For the Opposite Party/s : Mr. Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 392 of the Indian Penal Code and Section 27 of the Arms Act.

While the informant was returning from Supaul on his motorcycle and when he reached at Agwanpur road, three motorcycle borne criminals overtook and pushed him. They snatched money from him and when they tried to snatch his



mobile phone the informant resisted and was shot at this left shoulder from back.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. No T.I. parade has been conducted. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring his confessional statement which has no evidentiary value in the eye of law. Co-accused, namely, Ankit Choudhary @ Ankit Kumar @ Babu Choudhary has been enlarged on bail by a co-ordinate bench of this court vide order dated 03.07.2020 passed in Cr. Misc. No. 20644 of 2020. The petitioner has been remanded in this case on 22.06.2020 and since then he is languishing in custody.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Saharsa Sadar P.S. Case No.702 of 2019.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

