

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6968 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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NIKHIL KUMAR @ ADITYA KUMAR Son of Sanjay Singh Resident of
Village- Kaler, P.S.- Magadh Medical, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Murlidhar, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 17-04-2021 The defect (s) as pointed out by the Office be removed by the learned counsel for the petitioner within two months after High Court resumes its normal functioning.

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 457 and 380 of the Indian Penal Code.

The prosecution case in brief is that on 09.03.2020, the informant went to his ancestral house on the eve of Holi. However, on 11.03.2020, one Sittu Kumar called the informant and informed that theft has occurred in his house. After getting information, the informant reached to his house where he used



to live on rent and found that a lot of articles were stolen, viz Rs.22,000/- cash, gold chain, laptop, two cylinder, Pan card, suitcase etc.

Petitioner is not named in the FIR. It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has been submitted that name of the petitioner has surfaced in this case on the confessional statement made by the co-accused Jitender Kumar and except said confessional statement, there is no any other incriminating material against the petitioner. Petitioner is in custody since 23.03.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Magash Medical P.S. Case No. 46/2020 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as



directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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