

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7648 of 2021

Arising Out of PS. Case No.-144 Year-2020 Thana- JANKINAGAR District- Purnia

Nitish Kumar Son Of Sundar Yadav @ Surendra Pd. Yadav @ Surendra
Yadav Resident Of Village - Singiyan, P.S. - Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal
	:	Mr. Ajit Kumar Singh
For the Opposite Party/s	:	Mr. Ramchandra Sahani

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-09-2021 Heard learned senior counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

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 connection with Jankinagar P.S. Case No. 144 of 2020 registered for the offence punishable under Section 395 of the Indian Penal Code.

Allegation against the petitioner is that petitioner along with co-accused persons looted Laptop, Mobile, some papers and cash of Rs. 11,000/- on the gun point while he was returning from his Kamat at Parlat Tola Ward No. 08 after finishing his banking



work.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. Petitioner is not named in the F.I.R.. He submits that even after his arrest the petitioner has not been put on T.I. parade. He submits that petitioner was arrested from his sister's house by the police merely on suspicion and recovered Rs. 2000/- from the conscious possession of the petitioner. He further submits that one alleged motorcycle was recovered near chouraha of a pond of *Ashok Sah* and not from the possession of the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and he is languishing in custody since 02.10.2020.

Learned APP for the State vehemently opposing the bail petition submitted that there is an ample evidence against the petitioner in the case diary and on the basis of said statement police also recovered one red colour motorcycle without registration number from the house of an associate of this petitioner.

In the facts and circumstances of the case, I am not inclined to grant privilege of bail to the petitioner in connection with Janki Nagar P.S. Case No. 144 of 2020 to the satisfaction of J.M., 1st



Class, Purnea.

Accordingly, prayer for bail of the petitioner is hereby rejected.

However, petitioner may renew his prayer for bail **after framing of charge.**

(Anjani Kumar Sharan, J)

GAURAV S./-

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