

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5463 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- MADHEPURA District- Madhepura

NITISH KUMAR SON OF OM PRAKASH YADAV @ OM YADAV R/O
VILLAGE- DHURGAON, WARD NO.05, P.S.- MADHEPURA, (O.P.
BHARRAHI), DISTRICT- MADHEPURA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 24-05-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the stamp reporter within

one month.

Heard learned counsel for the petitioner as well as

learned APP for the State.

In this case, the petitioner is seeking regular bail in

connection with Madhepura P.S. Case No. 24 of 2021,

registered for the offences punishable under Sections 394 of the

Indian Penal Code.

As per allegation, when the informant after

withdrawing Rs. 2,92,500/- returning to his house, two

motorcycle dashed him. The informant fell down on the

ground. Two miscreants overpowered him and assaulted him



with country made pistol. They also snatched the bag containing the money. The informant identified Nitish Kumar, the present petitioner.

Learned counsel for the petitioner has submitted that the informant and the petitioner are agnates and there is land dispute between them. The petitioner's wife withdrew Rs. 37,000/- from CSP but the informant did not provide that money to the petitioner's wife and when a demand was made he has falsely implicated the petitioner in this case. The petitioner is a person of clean antecedents and he is under custody since 31.07.2021.

On the other hand, learned Addl.P.P. opposed the prayer for bail of the petitioner.

Considering the period of incarceration as well as the clean antecedents, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with (Bharrahi O.P.) Madhepura P.S. Case No. 24 of 2021, subject to the following conditions:-

(i) The petitioners shall cooperate in the disposal of trial and make himself available as and when required by the



court.

(ii) If the petitioners are found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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