

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15047 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- NAUTAN District- West Champaran

NITESH KUMAR @ NITESH SAH, SON OF GOLU SAH RESIDENT OF
VILLAGE- GARBHUWA LALA TOLA, P.S. CHANPATIA SIRISIYA O.P.,
DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s: Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Nautan
P.S Case No. 270 of 2021, registered for the offences pun-
ishable under Section 379 of the IPC.

As per allegation, the motorcycle of the informant,
bearing Registration No. BR-22AH-9941, was stolen, when it
was parked outside his office.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner is not
named in the FIR and the alleged motorcycle was not re-



covered from the conscious possession of the petitioner. The police has arrested him only on suspicion. He further submits that the petitioner is in custody since 30.09.2021, i.e, more than ten months.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has been made accused in one more case, namely, Bettiah Town (Kalibag O.P) P.S. Case No 436 of 2021.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S Case No. 270 of 2021 on the following conditions:

(i) The petitioner will make himself available for in-



terrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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