

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16663 of 2022

Arising Out of PS. Case No.-767 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Nitish Kumar Son of Late Arun Singh @ Arun Rai R/o village - Jinedpur
Rajaura, P.S.- Muffasil, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Begusarai
Town P.S. Case No. 767 of 2021 registered for the offence under
Section 398 of the Indian Penal Code and Sections 25(1-b)a, 26
and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.12.2021.

The allegation against the petitioner is to commit
robbery, armed with deadly weapons, alongwith other co-
accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced on the basis of self confession and except mobile, no fire arm or nothing incriminating recovered from the possession of the petitioner, which may connect the petitioner with the present set of occurrence. It is pointed out that petitioner is involved in three other criminal cases out of which, he is on bail in two cases. It is further submitted that the recovered mobile was not put on T.I.P.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that only mobile was recovered from the possession of the petitioner.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Begusarai Town P.S. Case No. 767 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to the following conditions:

“(i) That accused/petitioner shall



not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Beauty Kumari, who is the sister of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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