

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29779 of 2021

Arising Out of PS. Case No.-319 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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NIKESH KUMAR Son of Suresh Singh Resident of Village- Haedobara,
Police Station- Barharia, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 04.12.2020,
seeks regular bail in connection with G. B. Nagar P.S. Case No.
319 of 2020 for the offence punishable under Section 394 of the
Indian Penal Code.

The prosecution case, in brief, is that on 01.12.2020
while the informant was coming from tilak ceremony, at about
10:20 PM near the clinic of Dr. Bhola Sharma, three unknown



miscreants on the point of pistol snatched the vehicle of the informant bearing Registration No. BR 29AH 3538.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner is not named in the F.I.R. The looted motorcycle has already been recovered. Nothing has been recovered from conscious possession of the petitioner. Petitioner has been made accused in this case merely on suspicion and conspiracy hatched by the local villagers. Petitioner has clean antecedent and is in custody since 04.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner, the court below is directed to verify the criminal antecedent of the petitioner and if it is found that no other case is pending against the petitioner as stated in Para-3 of the present bail application, then the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Siwan in



connection with G.B. Nagar P.S. Case No. 319 of 2020, subject to the 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.

(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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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