

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23601 of 2022**

Arising Out of PS. Case No.-380 Year-2020 Thana- BARAUNI District- Begusarai

Nirmal Kumar Nirala @ Ghutra Son of Late Ram Bipan Singh @ Late Ram Nandan Singh Resident of Village - Badalpura, P.S.- Matiharni, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 01-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Shubhesh Pandey, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Barauni P. S. Case No. 380 of 2020 registered for the offences punishable under Sections 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that three accused persons on the point of pistol looted a motorcycle and



other belongings of the informant and fled away.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. was registered against three unknown persons however, the name of the petitioner has transpired during the course of investigation when a broken number plate of the motorcycle was recovered from a thatched hut situated near a *litchi* orchard, which was said to be adjacent to the house of the petitioner. It is further submitted that in fact, the house of the petitioner is not adjacent to the litchi orchard rather the same is situated at distant place but only on suspicion the name of the petitioner has been implicated in the present case. It is next submitted that other accused persons namely Mantun Kumar Rai, whose name has also transpired during the course of investigation has already been granted bail by this Hon'ble Court in Cr. Mis. No. 28973 of 2021 vide order dated 03.01.2022. It is lastly submitted that this petitioner is in custody since 21.11.2021 however, till date he has not been put on Test Identification Parade and moreover, after conclusion of investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the broken number plate of the looted motorcycle has been recovered near the



house of the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged broken number plate of the looted motorcycle has been recovered from a hut situated near *litchi* orchard, which does not belong to the petitioner and moreover, he is a man of fair antecedent and is in custody since 21.11.2021, but till date he has not been put on T.I.P., let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni P. S. Case No. 380 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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