

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28470 of 2022

Arising Out of PS. Case No.-63 Year-2020 Thana- SUPAUL District- Supaul

NITISH KUMAR @ ALOK S/o Jagdish Yadav Resident of Village- Fulkaha,
P.S.- Gamhariya, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-06-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Supaul Police Station Case No. 63 of 2020, registered for the
offences punishable under Section 395 of the Indian Penal
Code.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was dismissed as withdrawn, vide order, dated
01.02.2022, passed in Criminal Misc. No. 42082 of 2021, giving
liberty to the petitioner to renew his prayer for bail after three
months from the date of the order.

The prosecution case, as per the First Information
Report, is that the informant, along with one Ali Hussain, was
going to the market on a TATA vehicle when they were



accosted by six unknown miscreants, riding on two motorcycles and they snatched away Rs. 24,000/- from various persons sitting in the vehicle.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 01.02.2022. He further submits that the petitioner is not named in the First Information Report and no Test Identification Parade has been conducted by the police as yet. He further submits that the petitioner has been made accused in this case on the basis of his confessional statement. He further submits that no incriminating material has been recovered from the possession of the petitioner. He further submits that similarly situated co-accused persons, namely, Jivachh Mahto (vide order, dated 29.06.2021, passed in Criminal Misc. No. 4499 of 2021) and Rajesh Yadav (vide order, dated 27.07.2021, passed in Criminal Misc. No. 24880 of 2021) have been granted bail by different co-ordinate Benches of this Court. He further submits that the petitioner is in custody since 25.02.2021 and charge sheet has been submitted and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

After having heard learned Counsel for the parties and



taking into consideration the fact that this is the second attempt on behalf of the petitioner for grant of regular bail, similarly situated co-accused persons have been granted bail by this Court, the petitioner is in custody since 25.02.2021 and charge sheet has been submitted, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Supaul Police Station Case No. 63 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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