

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29368 of 2022**

Arising Out of PS. Case No.-11 Year-2022 Thana- NAGARNAUSA District- Nalanda

NITISH KUMAR SON OF RAMCHARAN PRASAD @ ANIL KUMAR  
R/O VILLAGE- BALWA (SHAHPUR), P.S.- NAGARNAUSA, DISTRICT-  
NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      01-09-2022                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for  
the offence under Sections 457, 380/34 of the Indian Penal  
Code.

The case relates to theft committed in the house of  
the informant and two steel boxes, two bags, one briefcase  
containing ornaments, cloths and cash or Rs. 60,000/- have  
been stolen by the petitioner and three unknown.

Learned counsel appearing for the petitioner  
submits that the petitioner is innocent and has falsely been  
implicated in this case merely on the basis of suspicion. He  
further submits that in fact nothing incriminating or any



theft article have been recovered from the conscious possession of the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 24.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nagarnausa P.S. Case No. 11 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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