

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29568 of 2022**

Arising Out of PS. Case No.-368 Year-2021 Thana- RAJAON District- Banka

Nitish Kumar Singh @ Nitish Kumar Son of Late Vijay Singh @ Vijay
Mandal Resident of Village - Kashil, P.s.- Murhan, Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gopal Prasad Roy, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 22-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the learned

APP for the State.

Petitioner seeks regular bail in connection with Rajoun

P.S. Case No. 368 of 2021 registered for the offences under

Sections 419, 420 and 394 of the Indian Penal Code.

As per allegation, the co-accused Bharat Prasad Singh

took Rs.6,40,000/- from the informant for the purpose of providing

him a Government job but neither the job was provided to the

informant nor the said amount was refunded by the co-accused

Bharat Prasad Singh and later on the informant demanded his

money on several occasions but his money was not refunded by

the said co-accused and thereafter on 29.09.2021 when the

informant was returning to his house then on the way four co-

accused persons who are alleged to be members of a gang of co-



accused Bharat Prasad Singh, stopped the informant and looted informant's wallet, motorcycle, ATM, Aadhar card etc. and after committing the loot the informant was thrown down from the bridge by the accused persons.

The main submissions advanced by learned counsel Mr. Gopal Prasad Roy for the petitioner are that the petitioner is not named in the FIR, the FIR was lodged two days after the alleged occurrence and the said delay has not been explained by the prosecution, petitioner had no concern with the alleged cheating and he is an employee at a petrol pump and has been languishing in jail since 31st March, 2022 having clean antecedent. Further submission is that against the petitioner there is no any legal evidence except the confessional statement of co-accused Sourabh Kumar made before the police which has no evidentiary value.

Learned APP Mr. Rajiv Nayan appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The petitioner has taken the plea that mainly on the basis of confessional statement of co-accused Sourabh Kumar he has been made accused in this case. The said plea has not been refuted by the prosecution and the order of Court below also goes in support of the said plea, the petitioner has clean antecedent as mentioned in his petition and he has been languishing in jail since 31st March,



2022 and he is stated to be an employee of a fuel centre. Considering these facts as well as the petitioner's custody period, in my view a lenient approach can be taken in respect of petitioner's prayer, let the 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 concerned Court in Connection with Rajoun P.S. Case No. 368 of 2021, on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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