

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33601 of 2022

Arising Out of PS. Case No.-627 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Nitish Kumar, aged about 25 years (Male), Son of Late Arun Roy, Resident of
Village - Rajaura Jinedpur, P.s.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-09-2022 Heard Mr. Rajendra Kumar Sharma, learned counsel

appearing on behalf of the petitioner and Mr. Khurshid Anwar,

learned A.P.P. for the State.

Petitioner, who is in custody since 28.01.2022, seeks
regular bail in connection with Begusarai Muffasil P.S. Case No.
627 of 2021 registered for offences punishable under Sections
392 and 397 of the Indian Penal Code and later on Section 411
of the Indian Penal Code was added.

As per the allegation made in the F.I.R., four unknown
miscreants looted pick up van bearing Registration No. BR-
09GB-2728 along with two thousand rupees, aadhaar card, pan
card etc.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is innocent and has falsely been implicated in the present case. However, the looted mobile phone which has been mentioned in the F.I.R. was recovered from the possession of the petitioner. The pick up van was recovered from a lonely place and not from the possession of the petitioner. Petitioner has remained in custody since 28.01.2022. He further undertakes that he will not indulge in either committing torture to his wife or in future he will ever engage in robbery. He will keep the conduct good. On these grounds, petitioner seeks to be released on bail.

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

Considering the statement made on behalf of the petitioner as well as the allegation made in the F.I.R. which is against unknown, petitioner has admitted that a mobile phone has been recovered from his possession, charge-sheet has already been submitted, the Court below is directed to seek for an affidavit to the effect the undertaking which has been given on behalf of the petitioner that he will not torture his wife and he will not ever indulge in any crime. If such affidavit is filed on behalf of the petitioner, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil P.S. Case No. 627 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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