

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40782 of 2021

Arising Out of PS. Case No.-339 Year-2020 Thana- MAHNAR District- Vaishali

NITISH KUMAR Son of Binda Ray Resident of Village - Dedaur, P.S.
Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ganesh Pd. Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Mahnar PS case no. 339 of 2020 instituted for the offences punishable under Sections 363, 365 of Indian Penal Code.

The allegation is regarding unknown miscreants having stolen the child of the informant from his house.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 22.12.2020. The learned counsel for the petitioner has further submitted that the name



of the petitioner has transpired in the present case upon a confessional statement having been made by the co-accused person namely Satish Kumar, who was arrested by the police. It is further submitted that the person from whose house, the child has been recovered, has already been granted bail by a co-ordinate Bench of this Court.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein and considering the fact that the person from whose possession, the stolen child has been recovered, has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of J.M. 1st class, Hajipur at Vaishali in connection with Mahnar PS case no. 339 of 2020.

(Mohit Kumar Shah, J)

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