

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32018 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- JAKKANPUR District- Patna

Nikhil Kumar Son Of Anil Kumar @ Bittu R/O Mohalla- Utri Mandiri, P.S.- Budhacolony, District- Patna. At Present- Chiraiyatad Prithvipur Near Gajadhar School, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-09-2022 Heard Mr. Ravi Shankar Pathak, learned counsel appearing on behalf of the petitioner and Mr. Jagdhar Prasad, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Jakkanpur P.S. Case No. 37 of 2022, for the offence punishable under Section 392 of the Indian Penal Code.

The prosecution case, in brief, is that some unknown miscreants looted the scooty of the informant on the point of pistol.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in this case. He further submitted that petitioner has



two criminal antecedent out of which in one case he was not Chargesheeted and one case relating to Kankarbagh P.S. Case No. 63 of 2022, his bail application is pending before this Court. The petitioner is in custody since 04.03.2022, but he has not been put on T.I.P. In course of investigation nothing has been collected against the petitioner. Chargesheet has already been submitted.

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

Considering the aforementioned facts and circumstances of the case, taking into consideration the nature of allegation against the petitioner, the petitioner has been made accused on the basis of his confessional statement recorded in Police custody while he was remanded with respect to Kankarbagh P.S. Case No. 63 of 2022, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.1st, Patna in connection with Jakkanpur P.S. Case No.37 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

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

(3) 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.

(4) 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 bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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