

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43790 of 2021**

Arising Out of PS. Case No.-103 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

NITISH KUMAR SINGH @ GOLU SINGH Son of Late Deshpati Singh
Resident of Village- Bhakura, P.S.- Ara Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 03-03-2022 Heard the learned counsel for the petitioner and Sri
Atul Chandra, the learned APP for the State.

The petitioner seeks regular bail in connection with Ara Muffail PS case no. 103 of 2021 instituted for the offences punishable under Section 395 of Indian Penal Code.

The case of the prosecution in brief is that 05 unknown miscreants had entered the Bank in question, whereafter they had, on pistol point, looted cash amount to the tune of Rs. 2,38,000/-.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 01.05.2021. The learned counsel for the petitioner has further submitted that the looted cash



amount has not been recovered from the conscious possession of the petitioner. It is also submitted that only after the petitioner was arrested in the present case, he has been implicated in two other cases, however prior to that, he was having a clean antecedent.

Per contra, the learned A.P.P. for the State has referred to the case diary and has submitted that the petitioner is stated to be helping the other miscreants who had entered the Bank for committing loot and the call detail report shows that during the said period, the petitioner had contacted the other accused persons on several occasions through his mobile phone. It is further submitted that huge cash amount has been looted from the Bank and the offence alleged is serious in nature.

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 fact that no looted cash amount has been recovered from the conscious possession of the petitioner, the petitioner is stated to be having a clean antecedent prior to being implicated in the present case and he is stated to be languishing in custody since about 09 months, apart from the fact that it has transpired during the course of investigation that



petitioner is not one of such miscreant who had entered the Bank and committed loot, 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 Additional Chief Judicial Magistrate-VII, Bhojpur at Ara in connection with Ara Muffasil PS case no. 103 of 2021.

(Mohit Kumar Shah, J)

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