

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40654 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- KOTWA District- East Champaran

Nitesh Kumar @ Nitesh Kumar Singh S/O Late Mohan Singh Resident of
Village- Trilokwa, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kotwa P.S. Case No. 86 of 2022 lodged under Sections 401,
402, 413, 414, 467, 468, 471, 420, 379 of the I.P.C.

As per the prosecution case, the total 7 named accused
persons have been made accused in this case against whom the
allegation is to commit theft of the vehicles and sold the theft
truck in the shop of *kabadi*.

Learned counsel for the petitioner submits that
nothing was recovered from the possession of the petitioner. It
transpires from the seizure list attached with the F.I.R. that

alleged recovery was made from the shop of either Sajjad (the *kabadi*) or near the NH-27. Learned counsel for the petitioner further submits that petitioner is in custody since 13.03.2022 having clean antecedent. Learned counsel further submits that charge sheet has already been filed in this case and nothing incriminating has recovered from his possession.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Kotwa P.S. Case No. 86 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall

file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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