

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41236 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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NITESH KUMAR Son of Late Shaligram Mandal Resident of Village - Baza Bharko, P.s.- Amarpur, Distt.- Banka. At Present Address- Resident of Village - Gorganea, P.s.- Shahkund, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-11-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Kotwali(Jogsar) P.S. Case No. 118 of 2022 registered for the offences punishable under Sections 379 and 411 of the I.P.C.

As per prosecution case, informant was returning to his chamber then he saw that a person was fleeing with his motorcycle. The informant raised alarm and with the help of other Advocates the person was caught. It is further alleged that a bunch of master key was recovered from possession of apprehended co-accused, Rohit Kumar.



Learned counsel for the petitioner submits that petitioner is not named in the FIR. His name has been transpired upon the confessional statement of co-accused, Rohit Kumar. Except confessional statement there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Learned counsel for the petitioner further submits that petitioner is in custody since 11.02.2022 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali(Jogsar) P.S. Case No. 118 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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