

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57507 of 2021

Arising Out of PS. Case No.-255 Year-2021 Thana- RAJAOLI District- Nawada

NITISH KUMAR @ NITISH RAJ SON OF UMESH PRASAD RESIDENT
OF VILLAGE- BAIRA, P.S- KHUDAGANJ, DIST- NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Rajauli P.S.
Case No. 255 of 2021 registered for the offences punishable
under Sections 419, 420, 467, 468, 120(B), 399, 402 of the IPC.

The prosecution case, in short, is that having received
secret information that the miscreants who were involved in
robbery case ten days ago were roaming on NH-31 Rajauli in
suspect condition, police reached there and apprehended the
accused persons including the petitioner and from their



possession, mobile, knife and summons/challan papers in the name of Bihar Government Transport Department have been recovered.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that nothing has been recovered from conscious possession of the petitioner but as per FIR one mobile and knife have been recovered from the pocket of the petitioner. In fact, the said mobile belongs to the petitioner. Petitioner is in custody since 01.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 255 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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