

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54261 of 2021

Arising Out of PS. Case No.-164 Year-2020 Thana- BACHHWARA District- Begusarai

Nilesh Kumar Son Of Kailash Bhagat R/O Village- Bal Krishna Pur
(MADWA), P.S.- Vidyapati Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 29-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Bachhwara P.S. Case No. 164 of 2020 for the offences punishable under Sections 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that the informant and other four FIR named persons were working in Bharat Financial Inclusion Ltd as field staff and on 05.08.2020 after collecting money from the customers when they were returning, in the meantime, four unknown miscreants riding on two motorcycles surrounded them and



looted bag containing cash of Rs. 314483/-, three Samsung Tab, three biometric machine and other valuables.

Learned counsel for the petitioner submits that the FIR has been instituted against unknown persons. Further during the course of investigation, the spy of the police disclosed the name of some of the persons, who were apprehended and the confessional statement was recorded but they did not disclose the name of the petitioner. Later one Spy as stated in Paragraph- 87 of the case diary disclosed that the petitioner is also involved in this case. It is further submitted that petitioner was first time arrested in connection with Vidyapati Nagar P.S.case No 210 of 2020 and thereafter, he has been remanded in four other cases including this case.

On the other hand, learned counsel for the State vehemently opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither named in the FIR nor any incriminating material has been recovered from person or possession and moreover, he is in custody since 15.07.2021 and till date he has not



been put on TIP and save and except the disclosure made by the spy, there is no material, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S.Case No. 164 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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