

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45646 of 2022

Arising Out of PS. Case No.-210 Year-2022 Thana- FATUA District- Patna

NITISH KUMAR @ LALLU KUMAR @ LALU Son of Radhey Shyam
Bhagat Resident of Village - Kutubpur Didhara, P.S.- Bidupur, District -
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Arun Kumar Tiwari, Adv.

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 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 Fatuha
P.S. Case No. 210 of 2022 registered for the offences punishable
under Sections 379/420 of the Indian Penal Code later on
Sections 395/412 of the Indian Penal Code added.

As per prosecution case, Mahindra Bolero Pickup
van of informant was stolen by unknown thief and FIR has been
lodged against the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 09.05.2022. Petitioner bears no



criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the name of the petitioner has been surfaced in this case on the confessional statement of co-accused Chitranjan Kumar. He also submits that police recovered a number of mobiles from different persons and on the basis of those mobiles police arrested petitioner and others. The alleged mobiles were not recovered from petitioner and it has also come in Para 84 of the Case Diary that Abhinash and Sanoj were main person who were selling Mobile on half rate. Co-accused Chitranjan Kumar and Anand Prakash have already been granted bail vide Cr. Misc. No. 43901 of 2022 and 39197 of 2022 respectively by co-ordinate bench of this court and the case of the present petitioner stands more or less on similar footing.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused persons have already been granted bail by co-ordinate



bench of this court, 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 Md. Naziya Khan, J.M. Ist Class, Patna City in connection with Fatuha P.S. Case No. 210 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)

alok/-

U		T	
---	--	---	--

