

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59699 of 2021

Arising Out of PS. Case No.-104 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

Nitish Kumar Singh @ Golu Singh @ Nithish Kumar Singh, Son of Late
Deshpati Singh, Resident of Village- Bhakura, P.O.- Lauhar Forna, P.S.- Ara
Mufassil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Pravin Kumar, Advocate
For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-04-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Ara Mufassil P.S. Case No. 104 of 2021 for the
offences punishable under Sections 25(1-b)a, 26, 35 of the Arms
Act.

As per prosecution case, it is alleged that on
27.04.2021, on an information with regard to committing
dacoity in Pirauta Branch of Punjab National Bank, the police
came to the Bank and entered after opening the shutter and



found that a dacoit, aged about 22 years, was fallen on the ground having injuries. It is alleged that the injured had gun shot injury on his head. It is further alleged that the informant saw the CCTV footage and found that five persons entered in the Bank and committed dacoity.

It is submitted on behalf of the learned counsel for the petitioner that neither the petitioner has been named in the F.I.R. nor he has been identified as a dacoit through CCTV footage. It is further submitted that the name of the petitioner has transpired on the confessional statement of co-accused and though he is in custody since 01.05.2021, but till date he has not been put on TIP. It is next submitted that during the course of investigation, it has come in the confessional statement of co-accused that this petitioner (Nitish Kumar Singh @ Golu Singh @ Nitish Kumar Singh) was one of those accused persons, who were assigned the role of guarding on the movement of the police regularly and except the confessional statement there is nothing against this petitioner.

On the other hand, learned APP for the State opposes the bail application and has drawn the attention of this Court towards the antecedent of the petitioner as has been shown in para 3 of this petition. In reply to the aforesaid submissions



made on behalf of the learned counsel for the State, learned counsel for the petitioner submits that both the cases are arising out of the same occurrence and in both the cases, the petitioner has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 43790 of 2021 and Cr. Misc. No. 60082 of 2021 vide orders dated 03.03.2022 and 29.03.2022 respectively, copies of which have been produced before this Court and the same are kept on the record.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that the name of the petitioner has transpired on the confessional statement of co-accused and moreover he has not been identified even through CCTV footage as a dacoit, who entered in the Bank. Further, there is no recovery of any incriminating articles, which suggest the complicity of this petitioner in the present case, apart from the fact that the petitioner is in custody since 01.05.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-VII, Bhojpur at Ara in connection with Ara Mufassil P.S. Case No. 104 of 2021 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.

(Harish Kumar, J)

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