

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60082 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

NITISH KUMAR SINGH @ GOLU SINGH @ NITHISH KUMAR SINGH
S/o- LATE DESHPATI SINGH R/o 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
Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ara Mufassil P.S. Case No. 105 of 2021 for the offence
registered under Sections 324, 307/34 of the Indian Penal Code
and Section 27 of the Arms Act. Later on Section 302 of the
Indian Penal Code has been added to the set of allegations.

The allegation is regarding five unknown miscreants
having entered the bank in question whereafter they had looted
cash amount. It is also alleged that one of the miscreants had
fired gun shots which had hit another miscreants resulting in his
subsequent death.

The learned counsel for the petitioner Shri Ajay



Kumar Thakur has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 26.07.2021. The learned counsel for the petitioner Shri Ajay Kumar Thakur has submitted that in connection with the same incident in question, three FIRs have been lodged, one by the Bank Manager bearing Ara Mufassil P.S. Case No. 103 of 2021 under Section 395 of the Indian Penal Code, another by the police officer bearing Ara Mufassil P.S. Case No. 104 of 2021 under Sections 25(1-b)a, 26 and 35 of the Arms Act and the last one i.e. Ara Mufassil P.S. Case No. 105 of 2021, by the Dafadar of the police under sections 324, 307/34 and 302 of the Indian Penal Code read with Section 27 of the Arms Act though section 302 of the Indian Penal Code has been added later on. It is further submitted that the petitioner is an accused only in the aforesaid three cases, otherwise he was having a clean antecedent. The learned counsel for the petitioner has also referred to the order dated 03.03.2022 passed by this Court in Criminal Misc. No. 43790 of 2021, whereby and whereunder the petitioner has been granted bail in connection with Ara Muffasil P.S. Case No. 103 of 2021 to show that admittedly as per the reports and the case diary produced before the Court in that case, the petitioner is alleged to be helping the



other miscreants who had entered inside the bank for committing loot and he was not present inside the bank premises, hence it is submitted that there is no question of the petitioner having fired gun shots on the deceased. In such view of the matter, it is submitted that the petitioner is having no complicity in the present case and as far as the case under Section 395 of the Indian Penal Code is concerned, he has already been granted bail. Lastly, it is submitted that no looted cash amount has been recovered from the petitioner.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that no looted cash amount has been recovered from the conscious possession of the petitioner as also he is stated to be having a clean antecedent prior to lodging of the aforesaid three cases apart from the fact that the records bear it out that the petitioner has been alleged to be helping the miscreants present inside the Bank by being stationed outside the Bank, as such he cannot be the person who had fired gun shots on one of the miscreant, I deem it fit and



proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to 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 learned Additional Chief Judicial Magistrate-VII, Bhojpur at Ara in connection with Ara Mufassil P.S. Case No. 105 of 2021.

(Mohit Kumar Shah, J)

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