

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56214 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- DHANSOI District- Buxar

Nitish Kumar, Male, aged about 22 years, Son of Ramashis Ram @ Ramshish Ram, Resident of Village - Devadliya @ Devdhiya, P.S.- Rajpur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Rai Sharma, Advocate
For the State : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-12-2022

The matter has been heard through video conferencing.

2. Heard Mr. Manish Rai Sharma, learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner seeks bail in connection with Dhansoi PS Case No. 61 of 2022 dated 02.04.2022, instituted under Section 392 of the Indian Penal Code.

4. The allegation against the petitioner is that he along with two others had come on a motorcycle and having threatened the informant with arms had snatched his mobile along with the sim card.



5. Learned counsel for the petitioner submitted that though the informant has stated that he can identify the culprits but no Test Identification Parade has been held. Moreover, it was submitted that the person on whose confession the petitioner has been made an accused namely, Gorakh Ram @ Gorakh Kumar @ Gorakh Kumar Ram, has been granted bail by a co-ordinate Bench in Cr. Misc. No. 40471 of 2022 by order dated 13.10.2022. It was submitted that the petitioner having no criminal antecedent is in custody since 01.06.2022.

6. Learned APP submitted that the co-accused has confessed and he has named the petitioner as his accomplice.

7. Having considered the submissions of learned counsel for the parties and taking into account the fact that he has no criminal antecedent and has not been identified and the co-accused on whose confessional statement, he has been made accused has been granted bail as also the period of incarceration, the Court is inclined to release the petitioner on bail.

8. Accordingly, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Buxar in Dhansoi PS Case No. 61 of 2022, subject to the conditions that one of the bailors shall be a close



relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner and the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.

9. The application stands disposed of in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

P. Kumar

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