

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70536 of 2021

Arising Out of PS. Case No.-189 Year-2020 Thana- GOPALPUR District- West Champaran

NITISH KUMAR Son of Munna Prasad Resident of Village- Sukhalahi, P.S.-
Mainatand, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 18-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Gopalpur Police Station Case No. 189 of 2020 registered for the
offence under Section 392 of the Indian Penal Code.

As per the First Information Report lodged by the
owner of the tractor stating therein that while his driver Madhai
Manjhi was coming back to his home, he was accosted by four
unknown miscreants, who assaulted the driver of the informant
and fled away with the tractor.

Learned counsel for the petitioner submits that
petitioner is not named in the First Information Report and he
has been implicated in this case on the basis of confessional
statements made by the co-accused persons, namely, Jahangir



Alam and Ram Lal Sah. He further submits that the looted tractor was not recovered from the possession of the petitioner. He, referring to paragraph no. 4 of the supplementary affidavit, submits that the petitioner was put on Test Identification Parade but the driver of the informant did not identify the petitioner, which would be evident from perusal of Annexure- 2 to the supplementary affidavit. He next submits that similarly situated co-accused persons, namely, Ishlam Ansari (vide order, dated 27.01.2022, passed in Criminal Misc. No. 40417 of 2021) and Shahnawaj Mian (vide order, dated 09.02.2022, passed in Criminal Misc. No. 42278 of 2021), have been granted bail by this Court. He further submits that the petitioner is in custody since 22.02.2021 and charge sheet has already been submitted and trial is not likely to be concluded in near future.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record and the fact that driver of the tractor did not identify the petitioner in the Test Identification Parade, co-accused persons have been granted bail by this Court, the petitioner is in custody since 22.01.2021 and charge sheet has already been submitted.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on



regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, West Champaran, at Bettiah, in connection with Gopalpur Police Station Case No. 189 of 2020 subject to the condition that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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