

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4353 of 2023**

Arising Out of PS. Case No.-430 Year-2022 Thana- BAKHTIYARPUR District- Patna

Nitish Kumar Son of Binda Roy Resident of village - Nayatola, Dadaur, P.S.-  
Bakhtiyarpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocaste

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      29-04-2023      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail, who is in custody since  
04.09.2022, in connection with Bakhtiyarpur P.S. Case No. 430  
of 2022, F.I.R. dated 03.09.2022 registered for the offences  
punishable under Sections 414 of the Indian Penal Code.

The case relates to recovery of theft mobile from the  
possession of the petitioner.

Learned counsel for the petitioner submits that the  
petitioner is innocent and he has been falsely implicated in the  
present case merely on the basis of suspicion. He further  
submits that as per allegation in the F.I.R. that one stolen mobile  
was recovered from the possession of the petitioner and no  
F.I.R. was instituted by the mobile owner against the alleged



recovery of mobile from the possession of the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail.

Considering the facts and circumstances of the case, 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 AC.J.M. III, Barh, District-Patna in connection with Bakhtiyarpur P.S. Case No. 430 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

Ibrar//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

