

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6823 of 2023

Arising Out of PS. Case No.-480 Year-2022 Thana- BARH District- Patna

Nikesh Kumar S/o Janardhan Ray R/o Village- Paithanichak, P.S.- Pandarak,
Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar, Advocate

For the Opposite Party/s : Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Barh P.S. Case No. 480 of 2022 registered on 26.07.2022 for the alleged offences under Sections 461 and 379 of the Indian Penal Code.

3. As per prosecution case, unknown thieves took away a number of mobile phones and accessories from the shop of the informant. Later on, the name of the petitioner transpired as one of the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has been named in this case on the basis of confessional statement of co-accused persons and apart from



that nothing has come up against this petitioner during investigation. Nothing incriminating has been recovered from the person or possession of this petitioner and he has not been put to Test Identification Parade. The prosecution case is itself suspect as for the occurrence of 24.07.2022, the information was given to the police on 26.07.2022. The petitioner is in custody since 03.09. 2022 and charge sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery of any incriminating article has been shown from the petitioner and further considering his period of custody and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Barh P.S. Case No. 480 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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