

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9628 of 2023

Arising Out of PS. Case No.-929 Year-2022 Thana- MADHEPURA District- Madhepura

NITISH KUMAR S/O KUSUM LAL YADAV Resident of village- Yadav
Nagar, Ward No.- 6, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

The petitioner has prayed for regular bail in a case instituted for the offence under Sections 392, 411 and 414 of the IPC and later on added Section 420 of the IPC and Sections 25(1-B)A, 26/35 of the Arms Act.

As per prosecution case, the informant was working in Ashirwad Micro Finance Company, Madhepura Branch and went with his colleagues to Bakhari for collection of money from different centers. When they returned from Bakhari, three persons on one motorcycle came and snatched one Tab, mobile and cash of Rs. 5,600/- and tried to flee away but on raising alarm by the informant, the accused persons have apprehended with the help of co-villagers and on search there has been



recovery of one live cartridge and Rs. 200/- from the petitioner and other articles from others co-accused.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. The petitioner has no concern with the alleged cartridges, which was seized by the police. Nothing incriminating article has recovered from the conscious possession of the petitioner. There was dispute between the informant and the accused persons because, there was sudden accident of two motorcycles on road by which the altercation took place and since the informant was residing nearby the place of occurrence near Bahdaul Temple by which the local police brutally assaulted the accused persons including petitioner. No case u/s 392/411 of the IPC is being made out against the petitioner and so far Section 141 of IPC is concerned during investigation the recovered motorcycle belongs to father of Amit Kumar, who is close friend of co-accused Shankar Kumar. He is languishing in judicial custody since 29.09.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



the period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 929 of 2022.

(Sunil Kumar Panwar, J)

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