

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19412 of 2023

Arising Out of PS. Case No.-103 Year-2022 Thana- GADHPURA District- Begusarai

Nitish Kumar Son Of Lalan Tanti Resident Of Village - Rampur, P.S. -
Hasanpur, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No. II, Advocate Mrs. Bhubneshwar Mahto
For the Opposite Party/s	:	Mrs. Priyanka Kumari, Advocate Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gadhpura P.S. Case No. 103 of 2022 registered on 10.10.2022 for the alleged offences under Sections 394 and 397 of the Indian Penal Code.

3. As per prosecution case, four miscreants stopped the motorcycle of the informant while he was returning to his village and on gunpoint snatched the motorcycle, Rs. 550 in cash and an android mobile phone. The name of the petitioner surfaced during investigation as one of the accused persons.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case merely on suspicion. Nothing incriminating has been recovered from the possession of this petitioner and he has not been put to any Test Identification Parade. The name of the petitioner came up in this case in the confessional statement of co-accused Shivam Kumar Ray and except for this confessional statement, there is nothing against this petitioner in whole of the investigation. The petitioner has got no concern either with the alleged offence or with the co-accused persons. Similarly placed co-accused person, namely, Md. Isa whose name was disclosed by co-accused Shivam Kumar Ray has been granted bail by a Coordinate Bench of this Court vide order dated 03.04.2023 passed in Cr. Misc. No. 3244 of 2023 and the case of the petitioner is on similar footing. The petitioner is in custody since 11.10.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that petitioner is having one criminal case against him.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offence as alleged and further considering his period of custody and the submission of charge-sheet against him, 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 Judicial Magistrate-Ist Class, Begusarai/court concerned in connection with Gadhpura P.S. Case No. 103 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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