

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20341 of 2023

Arising Out of PS. Case No.-2 Year-2022 Thana- GURUA District- Gaya

Nitish Kumar, aged about 20 years, male, son of Ramswarup Paswan, resident of village- Kamaldah, P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

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

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner seeks permission to make necessary correction in paragraph no. 1 of the application with regard to name of the Police Station. Permission is granted.

3. The petitioner seeks bail in connection with Gurua PS Case No. 02 of 2022 dated 01.01.2022, instituted for the offence punishable under Sections 392 of the Indian Penal Code.

4. The prosecution case, in short, is that when the informant along his friend was returning from Gaya and reached near Sagahi Market, four persons, all aged about 18-27 years, came on two motorcycles; intercepted them and snatched the



mobile phone, PAN Card, Aadhar Card, Driving Licence and gold chain from the neck of the informant as also cash of Rs.7250/- kept in the purse of the informant.

5. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Nothing has been recovered from possession of the petitioner. No Test Identification Parade has been conducted till date. The petitioner is in custody since 11.03.2022. Charge-sheet has been submitted in the case and seven criminal cases are pending against him. Only on the basis of criminal antecedents, he has been made accused in this case.

6. Learned APP has opposed the prayer for bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties as also the period of custody, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Sherghati, Gaya, in Gurua PS Case No. 02 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one



of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

J. Alam/-

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