

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23771 of 2023

Arising Out of PS. Case No.-269 Year-2022 Thana- KALYANPUR District- Samastipur

Nitish Kumar @ Bhutta, Son Of Bhagbat Ray, Resident Of Village-
Bhagirathpur (Musepur) P.S. - Kalyanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Kalyanpur P.S. Case No. 269 of 2022, registered for the alleged offences under Sections 392 and 411 of the Indian Penal Code.

3. As per prosecution case, four miscreants on two motorcycles stopped the Pick-up Van of the informant which was loaded with coconut. They threatened him with pistol and took away his Pick-up Van. Somehow the informant informed the police party and the Pick-up Van of the informant was intercepted, but the miscreants fled away leaving the Pick-up Van. The name of the petitioner transpired during investigation as one of the miscreants.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired in the confessional statement of co-accused Manish Kumar and Monu Kumar, but nothing incriminating has been recovered from the person/possession of the petitioner and no Test Identification Parade was held to establish his identity as an accused. The charge sheet has been submitted in this case and the petitioner is in custody since 23.10.2022.

5. Learned A.P.P. opposes the prayer for bail submitting that the petitioner is having criminal antecedent and is accused in a case under the Arms Act.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of substantive material against the petitioner and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 Chief Judicial Magistrate, Samastipur, in connection with Kalyanpur P.S. Case No. 269 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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