

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22432 of 2023**

Arising Out of PS. Case No.-128 Year-2021 Thana- MIRGANJ District- Gopalganj

Nitish Kumar @ Nehal @ Nitesh Kumar Son Of Ramashish Sah Resident Of  
Village- Amtha Bhuwan, Ps- Uchkagaon, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      26-04-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. In the present case, the petitioner has renewed his prayer for bail in connection with Mirganj P.S. Case No. 128 of 2021 registered for the alleged offences under Section 395 of the Indian Penal Code having earlier been rejected vide order dated 08.06.2022 passed in Cr. Misc. No. 3721 of 2022.

3. Prosecution case is that the petitioner along with other co-accused persons robbed a petrol-pump and took away Rs. 12,500/- from the persons manning the petrol-pump.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and nothing incriminating has been recovered from his conscious possession. Learned counsel further submits that the petitioner has been made accused in this



case merely on the basis of his past criminal antecedent. Learned counsel further submits that while rejecting the prayer of bail vide order dated 08.06.2022, this Court directed that if the trial was not concluded within a period of eight months, the petitioner would be at liberty to renew his prayer for bail. The petitioner is in custody since 09.08.2021 and charges have been framed.

5. Learned A.P.P. for the State opposes the prayer for bail submitting that the prayer for bail of the petitioner was earlier rejected as he was having a long list of criminal antecedent.

6. Having regard to the aforesaid facts and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner along with the framing of charge 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 Additional Chief Judicial Magistrate-XV, Gopalganj/court concerned in connection with Mirganj P.S. Case No. 128 of 2021, 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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