

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27411 of 2023

Arising Out of PS. Case No.-247 Year-2019 Thana- HARNAUT District- Nalanda

NITISH KUMAR Son of Umesh Prasad R/V- Amawan PS- Bind, Dist-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Jha, Advocate

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-10-2023 Heard Mr. Gopal Jha, learned counsel for the

petitioner and Mrs. Suman Kumari Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest connection with Haranaut (Chero) P.S. Case No. 247 of 2019, F.I.R. dated 21.06.2019 registered for the offences punishable under Sections 363, 365, 394, 302, 201, 411 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that the informant has a Scorpio vehicle and the driver of the said vehicle namely Vinod was hired through his friend Guddu Kumar to drop his friend Anil Kumar from RMS Colony, East Indra nagar, Road No. 2, Kankarbagh, to Village Rupau, District- Nawada and he was returning to Patna, he went to Asthawan to drop one of his



family members. It is further alleged that around 10:30 PM, the informant called his driver on mobile and he informed that he was returning and crossing village Cheromore and, thereafter, his driver became traceless, thus based on suspicion, the FIR was registered alleging that the driver of the vehicle along with the vehicle was kidnapped by some accused persons.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person namely Yuv Raj @ Shivam Kumar and co-accused Yuv Raj @ Shivam Kumar has confessed his guilt that he has killed the deceased and he has named a number of accused persons including the petitioner and co-accused person namely Rajnish Pandey whose name was also transpired on the basis of confessional statement of co-accused person namely Yuv Raj @ Shivam Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 11.07.2022 passed in Cr. Misc. No. 57405 of 2021 and another co-accused person namely Sudhir Kumar has been granted the privilege of anticipatory bail



by a Coordinate Bench of this Court vide order dated 16.11.2022 passed in Cr. Misc. No. 29521 of 2022 respectively.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that on the basis of the confessional statement of co-accused person the dead body of the victim was recovered and vehicle in question was also recovered.

6. Considering the facts and circumstances of the case that the petitioner having clean antecedent and he is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person as well as similarly situated co-accused person has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif (Nalanda) in connection with Haranaut (Chero) P.S. Case No. 247 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with



other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

