

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30303 of 2023

Arising Out of PS. Case No.-276 Year-2023 Thana- GAYA MUFASIL District- Gaya

Nitish Kumar, Son of Late Manoj Yadav, Resident of Village - Tapshi, P.S. -
Mufassil, Distt. - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Gaya Mufassil P.S. Case No.276 of 2023 registered for the
offence punishable under Section 394 of the Indian Penal Code.

The accused/petitioner is named in the FIR and is
in custody since 06.03.2023.

Allegation against the petitioner is to commit
robbery and while committing so, taken away mobile phone and
cash amounting to Rs.7,000/- belongs to the informant.

It is submitted by learned counsel that while
informant was in police station in connection with lodging the
FIR of alleged occurrence, in the meantime, petitioner was
brought there by private persons in connection with other
snatching case, where informant identified him as one of the co-



accused of the occurrence, naming this petitioner with present FIR. It is submitted that if the narration of FIR be taken into consideration then, certainly looted materials be recovered from the possession of this petitioner as petitioner was apprehended immediately after the occurrence but, no incriminating material as alleged was recovered from this petitioner. It is submitted that petitioner found involved in one more criminal case, where he is on bail. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances and by taking note of fact as no incriminating material recovered from possession of this petitioner so as to connect him *prima facie* with present occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.03.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned Judicial Magsitrate-1st Class, Gaya in connection with
Gaya Mufassil P.S. Case No.276 of 2023, subject to the
conditions as laid down under Section 437(3) of the CrPC

(Chandra Shekhar Jha, J.)

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