

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33653 of 2023

Arising Out of PS. Case No.-431 Year-2019 Thana- KANTI District- Muzaffarpur

NITESH KUMAR @ MITA S/o- HARI PASWAN Village- Chhiterpatti Ps-
Minapur Dist-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahesh Prasad

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
make necessary correction during course of the day.

The petitioner seeks bail in connection with Kanti
P.S. Case No. 431 of 2019 registered for the offences punishable
under Sections 392, 411, 414 of the Indian Penal Code.

As per prosecution case, four miscreants came on
two motorcycles and snatched the motorcycle alongwith Rs.
10,000/-, Aadhar Card, PAN Card, A.T.M. and license of the
informant.

Learned counsel for the petitioner submits that
petitioner has been remanded in the present case from Ahilyapur
P.S. Case No. 749 of 2019 on 17.10.2022 and since then he is in



custody. Petitioner bears criminal antecedent of twenty cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. During course of investigation name of present petitioner has been surfaced in the present case only on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No T.I.P. has been conducted uptill now. Learned counsel orally submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the F.I.R.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the series of criminal antecedent of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of J.M. 1st Class, Muzaffarpur in connection with Kanti P.S. Case No. 431 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.



(vi) If petitioner violates any of the conditions, the trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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