

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38465 of 2023**

Arising Out of PS. Case No.-218 Year-2020 Thana- BARHIYA District- Lakhisarai

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NISHANT KUMAR @ KARE LAL S/O LATE RAM NARESH SINGH R/O  
Village-Jaitpur, P.S.-Barhaiya, Dist.-Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Smt. Sudha Ambastha, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      19-07-2023                      Heard learned counsel appearing on behalf of the parties.

2.              The petitioner seeks bail in connection with Barhaiya P.S. Case No.218 of 2020 registered for the offence under Sections 395 and 412 of the Indian Penal Code.

3.              The accused/petitioner is not named in the F.I.R. and is in custody since 17.07.2021.

4.              The allegation against the petitioner is to commit dacoity, along with other co-accused and while committing so, taken away loaded truck bearing registration No. BR-01GG 5985 with fertilizers, cash of Rs. 6,000/-, Aadhar Card, Driving License and mobile phone, belongs to informant and others.

5.              Learned counsel appearing on behalf of the



petitioner submitted that petitioner was not named with present FIR, where, his name surfaced, during course of investigation, on the basis of confessional statement of co-accused, namely, Madan Singh, in furtherance of which, no incriminating material recovered/surfaced, as to connect this petitioner, *prima facie*, with present occurrence of dacoity. It is also pointed out that said co-accused, namely, Madan Singh, has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 36729 of 2022 dated 18.01.2023. It is submitted that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that petitioner found involved in 06 more criminal cases, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as save and except confessional statement, no incriminating material appears to be recovered from this petitioner, as to connect him, *prima facie*, with present occurrence of dacoity coupled with the fact that charge-sheet



has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Barhaiya P.S. Case No.218 of 2020, 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, Lakhisarai/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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