

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43031 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

NAINSU KUMAR S/O ROBIN YADAV R/O Village- Naya Tola,
Jurawanganj, PS. Kodha, Dist. Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 25-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection
with Laheria Sarai (Benta O.P.) P.S. Case No.43 of 2022 dated
31.01.2022 registered for the offence/s punishable under
Section/s 392 of the Indian Penal Code.
3. This is second attempt of the petitioner for
the relief of regular bail after the petitioner's earlier attempt for
the same relief was rejected by this Court vide order dated
12.10.2022 passed in Cr. Misc. No.40299 of 2022 preferred by
this petitioner.
4. It is submitted by the learned counsel for the
petitioner that similarly situated co-accused person namely
Vimal Singh has been granted bail by a co-ordinate Bench of



this Court vide order passed in Cr. Misc. No.47862 of 2022 after the rejection of petitioner's earlier prayer. The petitioner is young boy aged about 21 years and has been languishing in jail since 01.02.2022 and during investigation he was not put on Test Identification Parade.

5. Learned APP appearing for the State opposes the bail prayer.

6. Considering the above submissions and mainly taking into account the report of the Trial Court which goes to show that the case of the petitioner is running at initial stage and even the charge has not been framed due to the non-appearance of the co-accused Vimal Singh, who is on bail and the petitioner is stated to be a young person having one criminal antecedent in which he is on bail, as per statement made in paragraph No.3 of the petition, in my opinion in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be released on bail in connection with Laheria Sarai (Benta O.P.) P.S. Case No.43 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on the following conditions:-

(I) Petitioner(s) shall co-operate in the trial and shall be properly represented on each and every date fixed



by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

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

(III) One of the bailors shall be a close relative of the petitioner(s) who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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