

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38502 of 2023

Arising Out of PS. Case No.-781 Year-2022 Thana- GARDANIBAG District- Patna

Nikhil Mishra @ Nikhil Kumar Mishra, son of Sudesh Mishra @ Suresh Mishra, resident of Village-Pahelia (Dharhara) P.S.- Hajipur Sadar, Dist-Vaishali at Hajipur (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Gardanibagh P.S. Case No.781 of 2022 registered for the offence punishable under Section 379 of the Indian Penal Code.

3. The accused/petitioner is not named in the FIR and is in custody since 06.03.2023.

4. The allegation against the petitioner is to commit theft and while committing so, taken away a Scorpio vehicle belongs to informant along with other co-accused persons.

5. Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced in present case on the basis of suspicion and self-confession, when he was remanded in this case from Gardanibagh P.S. Case No.73 of



2023. It is submitted that petitioner was not put on TIP, as yet. It is submitted that petitioner named with present FIR out of suspicion arises out of his criminal antecedents also as he found involved in four more criminal cases, where he is on bail and in maximum of cases, he was implicated on the basis of confessional statement of co-accused as of present case. While concluding argument, it is submitted that investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

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

7. In view of above-mentioned facts and circumstances and by taking note of fact that save and except suspicion arises out of criminal antecedents, no incriminating material surfaced/recovered during course of investigation against this petitioner, 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 Magistrate-1st Class, Patna in connection with Gardanibagh



P.S. Case No.781 of 2022, subject to the conditions as laid down
under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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