

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50643 of 2023

Arising Out of PS. Case No.-176 Year-2021 Thana- TRIVENIGANJ District- Supaul

Nitish Kumar Son Of Binod Yadav @ Binod Kumar Resident Of Village
Maura Khap Ward No 09, Ps- Shankarpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 395, 397 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, on the alleged date of occurrence, the informant and one Amrit Anand Yadav were returning to their home after performing the last rites of brother-in-law of Amrit Anand Yadav from Rampur by their motorcycle, in the meantime five unknown miscreants riding on two motorcycles started chasing them and intercepted them near Pakari Bridge and on the point of pistol, they took away motorcycle, purse containing rupees ten to twelve thousand and mobile of the informant. It is further alleged that miscreants



fired on them causing fire arm injury in the right thigh of the informant and two fire arm injuries to his companion Amrit Anand Yadav on his both thighs and also snatched his mobile and fled away towards cold storage riding on two motorcycles.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case due to village politics. Neither the petitioner is not named in the F.I.R. nor put on T.I.P. His name has been transpired in this case on the basis of confessional statement of co-accused Munna Kumar @ Munna before police, which has no evidentiary value in the eye of law. Nothing has been recovered from the conscious possession of the of the petitioner. Save and except confessional statement of co-accused there is no material has come against the petitioner during investigation which shows his complicity in the present occurrence. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 01.02.2023 passed in Cr. Misc. No.45161 of 2022. Moreover, the petitioner is languishing in judicial custody since 20.09.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Triveniganj P.S. Case No.176 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-I, Supaul.

(Sunil Kumar Panwar, J)

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