

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51135 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- BELHAR District- Banka

NITISH KUMAR @ NITISH YADAV S/O ASHOK YADAV R/O VILL.-
BANGAMA, P.S- BELHAR, DISTT.- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

The petitioner seeks bail in connection with Belhar P.S.
Case No. 183 of 2023 registered for the offence under Sections
364 of the Indian Penal Code.

The petitioner along with others are alleged to have
kidnapped the victim, Alok Kumar Jha and also snatched the
mobile of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R., however, his name
transpired in this case during course of investigation on the basis
of confessional statement of the co-accused, Sarvesh Yadav, who



happens to be the cousin brother of the petitioner and there is admitted land dispute between them and on account thereof, this petitioner has been made accused in this case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner nor T.I.P. has been conducted by the prosecution as yet. He further submits that statement of the victim has been recorded under Section 164 Cr.P.C. in which he has not stated anything about the petitioner. The petitioner is rotting in judicial custody since 10.05.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 188 of 2023 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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