

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59254 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- KINJAR District- Jehanabad

Nitish Kumar Son of Amrendra Prasad Resident of Village- Dhav kakariya
P.S.- Makhdumpur(Tehta O.P.), District- Jehanabad Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Kinjar P.S. Case No. 62 of 2022 registered for the offence
punishable under sections 414 and 399 of the Indian Penal Code
and sections 25(1-b)a, 26, 35 of the Arms Act.

As per allegation in the FIR, on getting secret
information about gathering of unlawful assembly for hatching a
conspiracy, patrolling party proceeded towards the place of
occurrence and altogether three accused persons were
apprehended. From their possession, two motorcycles, arms and
mobile phones were recovered. The apprehended accused person
disclosed the name of the present petitioner as one of his
associates.

It is submitted by learned counsel for the petitioner that
petitioner has been falsely implicated in this case. He was not



apprehended on spot. The name of the petitioner has transpired in confessional statement of apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Petitioner has no criminal antecedent. It is further submitted that several similarly situated co-accused persons have already been enlarged on bail vide order dated 23.12.2022 passed in Cr. Misc. No. 57436 of 2022, order dated 17.01.2023 passed in Cr. Misc. No. 55917 of 2022 and vide order dated 17.01.2023 passed in Cr. Misc. No. 53807 of 2022 by this Court. Petitioner is languishing in judicial custody since 06.06.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Arwal in connection with Kinjar P.S. Case No. 62 of 2022.

(Sunil Kumar Panwar, J)

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