

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58883 of 2023

Arising Out of PS. Case No.-262 Year-2023 Thana- SAKRA District- Muzaffarpur

NITISH KUMAR, Son of Kishun Rai, Resident of village - Sadikpur Muraul,
P.S. - Sakra, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 Heard Mr. Alok Kumar Alok, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Sakra P.S. Case No. 262 of 2023, registered for the
offences punishable under Sections 356, 379 of the Indian Penal
Code.

3. It is alleged that while the informant was going to
his home, in the mean time, four miscreants on two motor
cycles came there and snatched the mobile and the purse,
containing some cash amount and fled away. In course of
fleeing, the informant identified the registration number of the
motorcycles, on the basis of which co-accused ‘Sudhanshu
Kumar’ was apprehended by the police. In course of search, the



mobile of the informant has been recovered from his possession and he disclosed the name of the petitioner and other associates.

4. Learned counsel appearing on behalf of the petitioner submitted that the false implication of the petitioner is writ large from the fact that the mother of the co-accused Sudhanshu and the aunt of the petitioner contested the Panchayat Election for the post of Mukhiya, and there was party rivalry between both the parties, thus the name of the petitioner has been implicated in this case at the instance of police. That apart, the confession before the police is not at all admissible and hit by Section 25/26 of the Indian Evidence Act. He next submits that so far the motorcycles in question are concerned, the petitioner has no connection with the same apart from the fact that he is a person of fair antecedent.

5. On the other hand, learned counsel for the State vehemently opposed the pre-arrest bail application and submits that the name of the petitioner has surfaced on the confessional statement of co-accused as one of his associate.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has no concern with the motorcycles, which were found involved in the crime, apart from the reasons assigned by the



petitioner of his false implication and having fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 12th Additional Chief Judicial Magistrate (East), Muzaffarpur in connection with Sakra P.S. Case No. 262 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

7. It is observed that before acceptance of the bail bond, the learned Court would be satisfied that both the motorcycles which are said to be involved in the present crime, do not belong to the petitioner.

(Harish Kumar, J)

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