

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60179 of 2022**

Arising Out of PS. Case No.-55 Year-2022 Thana- KOTWA District- East Champaran

NITESH KUMAR SINGH Son Of Late Mohan Singh R/O Village- Trilokwa,
P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 17-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Kotwa P.S. Case No. 55 of 2022, registered for the offence punishable under Section 379 of the Indian Penal Code.

The informant is the driver of the truck in question and it is alleged that the same has been stolen by unknown miscreants.

It is submitted by the learned counsel for the petitioner that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since



11.04.2022. It is further submitted that the stolen truck has not been recovered from the possession of the petitioner and he has been falsely implicated in the present case merely on the basis of the confessional statement of the co-accused person, namely, Sunny Kumar, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2022, passed in Criminal Miscellaneous No.47434 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the stolen truck has not been recovered from the possession of the petitioner and the co-accused person on whose confessional statement, the petitioner has been made an accused in the present case, has already been granted bail by a co-



ordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari, in connection with Kotwa P.S. Case No. 55 of 2022.

(Mohit Kumar Shah, J)

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