

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56275 of 2022

Arising Out of PS. Case No.-302 Year-2022 Thana- WAJIRGANJ District- Gaya

NITISH KUMAR Son of Ratan Mistri @ Ratan Mistry Resident of Village-
Makhdumpur, P.S.- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 379, 411, 413, 414/34 of the
Indian Penal Code.

According to prosecution case, as per written report of
the informant Gulabi Devi is that on 19.06.2022, she was
coming to HAT (fair) of Kupu Mukhia for selling her she-goat.
When she reached near by-pass bridge, three boys came on a
motorcycle and ask that she will sell the she goat. Thereafter,
informant demanded Rs.14,000/- and they gave her a packet of
rupees and the fled away after taking she-goat. When informant
counted the said packet of rupees, she found only Rs.1600/-.
After that, three she-goats of Sujan Manjhi were theft on



13.06.2022, 21.06.2022, 22.06.2022. Before three day ago, two boys were taking one she-goat from west of block near Mal-Godown. They were caught by local boy and apprehended boys replied that accused-petitioner Nitish Kumar of Makhdumpur comes by motorcycle and flee away after stealing she-goat. On 25.06.2022, two boys caught she-goat of Sujana Manjhi and they started to go with said she-goat but thereafter, they were caught and on query, they disclosed their name as Nitish Kumar and Sonu Kumar and they accepted that they theft said she-goat. Further, apprehended accused also accepted that the motorcycle is also of theft from which they came there.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one motorcycle has been recovered from the possession of the petitioner. He further submits that in fact the motorcycle in question was not the stolen motorcycle and the owner of the motorcycle was Rupesh Kumar Chaudhary who has taken the motorcycle from the police station and not lodged any complaint. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since



27.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Wazirganj P.S. Case No. 302 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

mdrashid/-

U		T	
---	--	---	--

