

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61210 of 2023

Arising Out of PS. Case No.-106 Year-2020 Thana- BAKHTIYARPUR District- Patna

Nitish Kumar Son of Lalan Singh @ Lalan Kumar Residents of Village -
Rewaich, Police Station - Bakhtiyarpur, District – Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 21-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sessions Trial No.880/2022 arising out of Bakhtiyarpur P.S.
Case No. 106/2020 registered for the offences punishable under
Sections 347, 341, 323, 307, 387, 386/34 of the Indian Penal
Code.

3. As per prosecution case, the petitioner and others
is said to have assaulted the informant and kept his motorcycle.
It is further alleged that the petitioner and others demanded
Rs.1,00,000/- from the informant as a ransom and threatened to
kill him if the said amount is not paid.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is languishing in custody since 30.07.2021 and bears criminal antecedent of eight cases. He further submits that charge has not been framed against the petitioner up-till now and chances of conclusion of trial in near future is bleak. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the alleged recovery was made from co-accused Sujeet Kumar, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.28082/2022. He further submits that the alleged recovery was made at the behest of co-accused, Saurabh Kumar and the only allegation against the petitioner is that he demanded the ransom from the informant as clearly mentioned in the impugned order. He further submits that except the said allegation, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner has falsely been implicated in the present case on account of series of criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the series of criminal antecedent against the petitioner.

6. Considering the facts and circumstances of the



case, period of custody, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released 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 3rd Additional Sessions Judge, Barh, Patna in connection with Sessions Trial No.880/2022 arising out of Bakhtiyarpur P.S. Case No. 106/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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