

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65975 of 2023

Arising Out of PS. Case No.-298 Year-2022 Thana- BHAGWANPUR District- Vaishali

Nishu Kumar S/O Ajay Kumar R/O Village- Goraul Bazar, P.S- Goraul,
Distt.- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bhagwanpur P.S. Case No. 298 of 2022 dated 18.12.2022
lodged under Section 392 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against three unknown accused persons.

4. Learned counsel for the petitioner submits that the
name of the petitioner has been figured in this case by virtue of
the confessional statement of the co-accused from whose
possession recovery has been made. Counsel further submits
that nothing incriminating has been recovered from the
possession of the petitioner nor he was put on T.I.P.

5. He further submits that the accused from whom



recovery was made has been granted bail by Co-ordinate Bench of this Court. The other co-accused namely Shekhar Kumar who has seven criminal antecedents has also been granted bail by this Hon'ble Court vide order dated 23.05.2023 passed in Cr. Misc. No. 23070 of 2023. He submits that there are five criminal antecedents of the petitioner and he is in custody since 19.04.2023 by way of remand.

6. Learned counsel for the State opposes the prayer for bail and submits that the co-accused person to whom bail has been granted are different from the case of the present petitioner i.e. criminal antecedent was not same as that of the present petitioner and this aspect shall be taken into consideration at the time of granting bail.

7. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail two months after framing of charge.

(Dr. Anshuman, J.)

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