

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57040 of 2022

Arising Out of PS. Case No.-218 Year-2020 Thana- BARHIYA District- Lakhisarai

NITISH KUMAR @ BAJRANGI Son of Sanjay Singh, resident of village -
Barahiya Ward No.- 12, P.S.- Barahiya and District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2,Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Barahiya P.S. Case No.218 of 2020, registered for the offence punishable under Section 395 of the Indian Penal Code. Later on, Section 412 of the Indian Penal Code has been added.

The case of the prosecution, in brief, is that four unknown miscreants had robbed a truck loaded with pesticides and fertilizers apart from them having snatched a sum of Rs.6000/-, Aadhar card, driving license and mobile phone from the



informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 17.07.2022. The learned counsel for the petitioner has further submitted that the name of the petitioner has transpired in the present case upon confessional statement made by the co-accused Madan Singh, however, neither any Test Identification Parade has been conducted so as to connect the petitioner with the alleged crime nor any recovery of the looted articles have been made from the petitioner. It is also submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 18.07.2022, passed in Criminal Miscellaneous No.13137 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 on record as also considering the parity of the case of the petitioner with that of the co-accused person, who 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 Additional Chief Judicial Magistrate-IIInd, Lakhisarai in connection with Barahiya P.S. Case No. 218 of 2020.

(Mohit Kumar Shah, J)

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