

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59754 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- CHAUSA District- Madhepura

NITISH KUMAR S/O SHAMBHU MANDAL Residen to Village- Garel
Basa, P.S.- Chousa (Phulaut O.P.), District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Chausa (Fulaut) P.S. Case No. 84
of 2022 for the offence registered under Section
394 of the Indian Penal Code.

The allegation is regarding two unknown
miscreants having intercepted the informant, who
is working as a Delivery Boy with Flipcart comapny,
on 25.04.2022 at about 7:30 P.M., whereafter they
had snatched his motorcycle, mobile phone, cash
amount of Rs. 8851/- and 12 articles of Flipkart
company and while fleeing away one of the
miscreants had fired gun shots in the stomach of



the informant, resulting in him sustaining bullet injury.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 05.06.2022. The learned counsel for the petitioner has further submitted that neither Test Identification Parade has been conducted so as to connect the petitioner with the alleged crime nor any recovery has been made from the petitioner, hence the petitioner is not having any complicity in the matter.

Per contra, Dr. Indihar Kumari, the learned A.P.P. 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 neither Test Identification Parade has been held so



as to connect the petitioner with the alleged crime nor any looted article/cash amount has been recovered from the petitioner, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 learned Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Chausa (Fulaut) P.S. Case No. 84 of 2022.

(Mohit Kumar Shah, J)

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