

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61461 of 2022**

Arising Out of PS. Case No.-161 Year-2021 Thana- GAYA KOTWALI District- Gaya

NITISH KUMAR @ VIKASH KUMAR @ NITISH RAWANI Son of
Sharwan Kumar @ Shravan Kumar R/v- Kamalpur, P.S.- Muffasil, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 04-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Kotwali P.S. Case No. 161 of 2021, registered for the offence punishable under Sections 357 and 380 of the Indian Penal Code.

The allegation is regarding unknown miscreants having broken the shutter of the shop of the informant, whereafter they had stolen cash and other valuable articles.

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 6.5.2022. The learned counsel for the petitioner has further submitted that only since the petitioner is having a bad antecedent, inasmuch as he is an accused in seven other criminal cases, he has been falsely implicated in the present case although the fact is that neither any Test Identification Parade has been conducted so as to connect the petitioner with the alleged crime nor any stolen articles / cash amount have been recovered from the possession of the petitioner.

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 available on record as also considering the fact that neither any Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor recovery of the stolen articles / cash amount has been made from the



possession of the petitioner, 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 Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 161 of 2021.

(Mohit Kumar Shah, J)

Ajay/-

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

