

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69128 of 2023

Arising Out of PS. Case No.-469 Year-2023 Thana- BARH District- Patna

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KAILA PASWAN @ NITISH KUMAR @ NITISH PASWAN son of Ram
Vriksh Paswan Village- Masoom Ganj P.S.- Barh Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Adv.

For the Opposite Party/s : Mr.Arvind Kumar Pandey, (App.84)

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-11-2023 1. Heard learned counsel for the Petitioner and
learned APP for the State

2. Petitioner apprehends his arrest in connection with
Barh P.S. Case No. 469 of 2023 dated 24.07.2023 registered for
the offences punishable under Sections 379 and 461 of the
Indian Penal Code.

3. At the outset, learned counsel for the petitioner
seeks permission to delete the paragraph No. 16 of the petition,
in course of the day.

4. Permission is granted.

5. The main submissions advanced by learned counsel
for the petitioner are that the informant named this petitioner
and co-accused persons as being involved in the alleged theft
but he did not disclose the basis of his allegation and the FIR



clearly goes to show that the informant lodged the FIR against the petitioner and co-accused persons mainly on the basis of suspicion, in fact, the petitioner, his brother and father were working as helper and watchman in the informant's farm house and the order impugned goes to show that the recovery of the stolen articles has been made and the same has been recovered from one Mukesh Mistry and no specific role of the petitioner in the alleged crime has been alleged which is clearly apparent from the order impugned and moreover, two co-accused persons namely Bablu Paswan @ Bablu Kumar and Ram Briksh Paswan carrying the similar nature of allegation have been granted anticipatory bail by a co-ordinate Bench of this Court and the case of this petitioner stands on better footing from the co-accused Bablu Paswan @ Bablu Kumar and the petitioner has got no criminal antecedent.

6. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

7. Considering the above submissions and mainly the fair and clean antecedent of the petitioner, in my opinion, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period



of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Barh P.S. Case No. 469 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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