

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 67431 of 2022**

Arising Out of PS. Case No.-66 Year-2019 Thana- SIMRI District- Darbhanga

=====

NITESH KUMAR @ MITA @ NITESH KUMAR PASWAN S/O HARI  
PASWAN Resident of village- Chhiterpatti, P.S.- Minapur, District-  
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Mahesh Prasad, Adv.  
For the Opposite Party/s : Mr. Kalyan Shankar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      20-06-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
16.02.2022 in connection with Simri P.S. Case No.66/2019,  
F.I.R. dated 18.05.2019, for the offences punishable under  
Sections 392 of the IPC.

According to prosecution case, while the informant  
was proceeding from his house to join his duty, three unknown  
miscreants on a motorcycle followed him and one of the  
miscreants caught collar of his shirt and other accused persons  
took out pistol and tried to fire at him but the bullet could not be  
fired. Thereafter the accused persons assaulted the informant  
with butt of the pistol on his head and also took out mobile



phones, cash Rs. 54001-, ATM card and Driving licence of the informant and fled away.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the confessional statement of the co-accused, namely, Radhe @ Arjun. He further submits that in fact the petitioner was in custody since 30.06.2019 and except the confessional statement of the co-accused, no other cogent material has come during during to suggest the involvement of the petitioner in the present occurrence and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted charge sheet and the petitioner was remanded in the present case from Ahiyapur P.S. Case No.749/2019 on 16.02.2022. The petitioner is in custody since 16.02.2022.

Vide order dated 16.05.2023 a report was called for from the learned Trial Court regarding the stage of the trial. Report dated 22.05.2023 of the learned Trial Court reveals that till date charge has not been framed against the petitioner.

Learned counsel for the petitioner submits that in view



of the report of the learned trial court, trial is not likely to be concluded in the near future and the petitioner is in custody since 16.02.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eighteen criminal antecedent other than the present one.

Considering the aforesaid facts and period of custody, let the petitioner, above named, 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 the learned A.C.J.M.-IV, Darbhanga in connection with Simri P.S. Case No.66/2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

amit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

