

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66592 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- UDAKISHUNGANJ District- Madhepura

Nitish Kumar @ Nilish Yadav @ Nitish Yadav, S/o Siken Yadav @ Sikendra
Yadav, Resident of Village- Shyam, P.S.- Gwalpara, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Nafisuzzoha, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Udakishunganj (Singheshwar) P.S. Case No. 30
of 2022, giving rise to S.T. No. 203 of 2022, registered for the
offences punishable under Sections 395, 379, 397 of the Indian
Penal Code and Section 27 of the Arms Act.

It is alleged that while the cattle traders were going to
the market, in the meantime, eight named miscreants along with
2-3 unknown persons intercepted the informant and other cattle
traders and looted cash of Rs.1,15,000/- and some other



valuables.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that the apprehended persons, namely, Subhash Yadav and Bambam Yadav, who were indulged in loot, they disclosed the name of the petitioner and others. Though the informant asserted that he would recognize the miscreants, but till date the petitioner has not been put on Test Identification Parade, despite the fact that he is in custody since 14.06.2022. He next submits that co-accused Subhash Yadav @ Subhash Kumar, against whom specific allegation has been levelled, has already been granted bail by a learned coordinate Bench of this Court vide order dated 13.02.2023 passed in Cr. Misc. No. 39015 of 2022. He further submits that nothing has been recovered from the possession of the petitioner and now the charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence or intimidating the witnesses.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in two other criminal cases, as has been mentioned in para. 3 of the petition.

Regard being had to the submissions made on behalf



of the parties and considering the fact that co-accused person, having identical allegation, has been allowed the privilege of bail by the learned co-ordinate Bench of this Court and moreover the petitioner has neither been put on TIP nor any incriminating material has been recovered from his possession, let the petitioner, named above, be released 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 Sessions Judge-III, Madhepura in connection with Udakishunganj (Singheshwar) P.S. Case No. 30 of 2022, giving rise to S.T. No. 203 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

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

