

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76058 of 2023

Arising Out of PS. Case No.-405 Year-2022 Thana- KANKARBAG District- Patna

NIRAJ KUMAR @ NIKHIL KUMAR S/O AJAY PRASAD SINGH
VILLAGE- RAJENDRANAGAR, ROAD NO. 8, RENTER OF NASHIMA
KHATOON, PS. KADAMKUAN, DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHART BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kankarbagh P.S. Case No. 405 of 2022 registered for the
offences punishable under Sections 356 and 379 of the IPC.

3. As per prosecution case, informant's bag
containing three mobile phones and one watch was taken away
by miscreants. FIR has been lodged against three unknown
miscreants.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
transpired in the present case on the basis of confessional
statement of co-accused Vishal Kumar. Except confessional



statement of co-accused Vishal Kumar, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Petitioner is in custody since 12.01.2023 and bears criminal antecedent of seven cases. Petitioner has been roped in a case one after another in a routine manner. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class Patna in connection with Kankarbagh P.S. Case No. 405 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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

