

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2325 of 2023

Arising Out of PS. Case No.-501 Year-2022 Thana- BAKHTIYARPUR District- Patna

Nitish Kumar Son of Shankar Prasad R/V- Raghapur Hatpur P.S-
Bakhtiyarpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate.

For the Opposite Party/s : Mr. Satyendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Suraj Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bakhtiyarpur P.S. Case No. 501 of 2022, registered for the offences punishable under Sections 461, 379 of the Indian Penal Code, later on Section 411 of the Indian Penal Code was added.

The FIR has been registered at the instance of In-charge headmaster of primary school Raghapur, who allegedly stated that on 10.10.2022, when he reached at his school, he found that 750 kg of rice, one gas cylinder and other valuable articles were stolen.

Learned counsel appearing on behalf of the petitioner submits that FIR has been instituted against unknown thieves, however, during the course of investigation the petitioner was



apprehended and on the basis of his self-confession, his name has been implicated in this case. Though, neither any stolen articles has been recovered from the person or possession of the petitioner nor he has been put on test identification parade. Subsequently, the stolen rice has been recovered from the shop of one Dinesh Saw. He next submits that the petitioner is also found involved in one another case, however, he is on bail on that case. He lastly submits that now the petitioner is in custody since 17.10.2022 and the charge-sheet has already been submitted.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is already complete and the charge-sheet has been submitted, apart from the fact that the offences are triable by the Magistrate, 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 Chief Judicial Magistrate-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 501 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)

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