

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3872 of 2024

Arising Out of PS. Case No.-1376 Year-2022 Thana- PHULWARISHARIF District- Patna

NIKKU KUMAR @ ROCKY KUMAR SON OF SRI BINAY SINGH @
BAIGAN RESIDENT OF VILLAGE - MAHMAMDPUR, P.S. -
DHANARUA, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 1376 of 2022 registered for the
offences punishable under Section 395 of the Indian Penal
Code.

3. As per prosecution case, five unknown miscreants
armed with pistol came on two motorcycles and entered into the
informant's shop and on the point of pistol the miscreants looted
cash of Rs. 25,000/-, two cheques amounting to Rs. 5,00,000/-
each, two cheques of Kotak Mahindra Bank bearing cheque no.
000021 amounting to Rs. 53,000/- and cheque no. 000023
amounting to Rs. 35,000/- along with mobile of informant's



staff. Hence, FIR has been registered against five unknown persons.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced in this case upon the self confessional statement of petitioner, as mentioned in the impugned order. He further submits that except the self confessional statement of petitioner and confessional statement of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner has not been put on TIP. Petitioner is in custody since 04.02.2023. Petitioner bears criminal antecedent of six cases in which he is on bail and in all the cases petitioner is not named in the FIR. He further submits that petitioner has been roped in a case one after another in a routine manner without any basis. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that on similar and identical allegation, co-accused, namely, Priyadarshi Yadav @ Darshan Yadav, Deepak Kumar and Imran @ Md. Raja have already been granted bail by co-ordinate Benches of this Court vide Cr. Misc. No. 53634 of 2023, Cr. Misc. No.



47780 of 2023 and Cr. Misc. No. 59212 of 2023 respectively and on the principle of parity, petitioner also deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, on similar and identical allegation co-accused persons have already been granted bail, 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 Additional Chief Judicial Magistrate-XIV, Patna in connection with Phulwarisharif P.S. Case No. 1376 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)

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