

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19715 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- KARAI PARSURAI District- Nalanda

Nitish Kumar Son of Shivalak Yadav Resident of Village- Maksudpur, Police
Station- Asthawan, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwa Bijay Kumar, Adv.

For the Opposite Party/s : Mr.Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Karai
Parsurai P.S. Case No. 125 of 2023 instituted for the offences
under Sections 395, 412 of the Indian Penal Code.

3. As per prosecution case, the allegation against the
accused persons including the petitioner is of looting the white
colour Tata Magic car bearing Regd. No. BR28GA-5970 loaded
with old aluminum vessels. It is further alleged that the accused
persons have also snatched Rs. 25,000/- along with two SIMs
from the pocket of the Informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and has been made accused in this case on the basis of confessional statement of co-accused (Reena Devi, wife of Dharmendra Singh) which was recorded before the police having no evidentiary value. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized article or the co-accused Reena Devi and others. The petitioner was neither arrested on the spot nor was put on T.I.P. The petitioner has been shown the driver of the alleged Pick-up van but, in fact, the petitioner is not the driver of the alleged pick-up van and due to enmity, he has been shown as a driver. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 09.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the



petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Karai Parsurai P.S. Case No. 125 of 2023.

(Rudra Prakash Mishra, J)

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