

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 17689 of 2024**

Arising Out of PS. Case No.-986 Year-2023 Thana- GAYA MUFASIL District- Gaya

Nitish Kumar @ Vikas S/o Shrawan Kumar R/o Vill - Kamalpur, P.S. -
Muffasil, Dist. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Aryan Singh, Advocate

For the Opposite Party/s : Mr Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR JUSTICE KHATIM REZA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2 The petitioner apprehends arrest in connection with
Mufassil PS Case No 986 of 2023 dated 18.09.2023 instituted
under Section 394 of the Indian Penal Code.

3 The prosecution case is that the informant was
intercepted in the way by 5-7 persons and snatched all his
belongings.

4 The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. The FIR has been lodged against four unknown persons.
During investigation, petitioner has been made accused in this
case. It is also submitted that due to past criminal antecedents,



petitioner has been made accused in this case. It is vehemently submitted that before this incident, an informatory petition No 1695 of 2023 has been lodged by the petitioner against the Mufassil Police Station officials due to which this false implication in this case. It is also submitted that nothing has been recovered from the conscious possession or from the house of the petitioner. Petitioner has seven criminal cases against him out of whom in Buniyadganj PS Case No 28 of 2016 registered under Sections 302, 394/34, 296, 412 of IPC and Mufassil PS Case No 73 of 2016 registered under Section 27 of the Arms Act, he has been acquitted. In rest of the cases, he is on bail.

5 Learned APP has opposed the prayer for bail.

6 Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in Mufassil PS Case No 986 of 2023 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973, and further (i)



that the petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and/or his wife, (iii) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and, thereafter, the Court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7 The application stands allowed.

(Khatim Reza, J)

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