

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21790 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- KISHANGANJ District- Kishanganj

Nitish Kumar Sah @ Nitish Kumar S/O- Late Jamuna Sah R/O- Village-
Dharamganj, Kela Bagan, Ward No.- 11, P.S.- Kishanganj, Dist.- Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nishant Choudhary, Advocate
	:	Mr.Kanchan Jha, Advocate
For the Opposite Party/s	:	Mr.Aditya Narayan Singh-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. Nishant Choudhary, learned counsel for
the petitioner and Mr.Aditya Narayan Singh-1, learned A.P.P.
for the State.

2. The petitioner seeks bail, who is in custody since
30.05.2023 in connection with S.T.No.232 of 2023 arising out
of Kishanganj P.S. Case No. 130 of 2023, F.I.R. dated
28.03.2023 registered for the offence punishable under
Sections 413,414/34 of IPC.

3. The prosecution case, in brief, is that the informant
along with police personnel on 28.03.2023 at about 4:00 A.M.
was on patrolling and received information that many people are
buying and selling stolen goods at Ankit Kumar's house and
when police team reached there then 7-8 persons ran away from



his house but one person was present and on asking his name he told Gopal Rai who is father of Ankit Kumar. During search total 196 goods recovered but no document was produced by him. The police team inquired about the recovered goods from Gopal Rai, he told that my son Ankit Kumar and other persons including the petitioner bring stolen goods and distributed in my house.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that the name of the petitioner has been transpired in the present case on the basis of the disclosure made by co-accused person, namely, Gopal Rai. Further submits that nothing has been recovered from conscious possession or the house of the petitioner and except the disclosure made by the co-accused person no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Further submits that co-accused person, and said co-accused person, namely, Kadir Perwez @ Kadir has been granted bail by this Court vide order dated 14.09.2023 passed in Cr. Misc. No.58617 of 2023, co-accused person, namely, Gopal Ray, Nehal Kumar Roy @ Nihar Kumar Ray and



Raj Sharma @ Shiva Sharma @ Pochu Sharma have also been granted bail vide orders dated 13.12.2023 and 17.02.2024 passed in Cr. Misc. Nos. 80078 of 2023 and Cr. Misc. No.7588 of 2024 respectively by a Coordinate Bench of this Hon'ble Court. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 30.05.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that it appears from the record that the petitioner is involved in the present crime in question and apart from the aforesaid the petitioner carries two more cases other than the present one.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1st, Kishanganj in connection with S.T.No.232 of 2023 arising out of Kishanganj P.S. Case No. 130 of 2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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