

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29004 of 2024

Arising Out of PS. Case No.-531 Year-2023 Thana- BARBIGHA District- Sheikhpura

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Nitish Kumar Son of Dharmendra Saw Resident of Village-Naya Tola Simri,
P.S- Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rashmi Sharma
For the Opposite Party/s : Mr.Shailendra Kumar

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

ORAL ORDER

3 14-05-2024 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner seeks bail in connection with
Barbigha P.S. Case No. 531 of 2023 instituted for the offences
under Section 395 of the Indian Penal Code.

3. As per prosecution case, the informant is the Area
Manager of Ashirvad Micro Finance Ltd. and he is posted at
Akhorigola. It is alleged that some unknown persons attacked
his Branch and looted away gold, Cash of Rs. 2,11,245/- and
other articles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Petitioner is not named in the FIR and the same



has been lodged against unknown persons. The name of the petitioner has come into light on the basis of confessional statement of Krishna Murari, which has got no evidentiary value in the eyes of law. No incriminating/looted article has been recovered from the conscious possession of the petitioner. Charge-sheet has been submitted in this case. Learned counsel for the informant submitted that charge has been framed against the petitioner. He further submitted that the other co-accused has already been granted bail by this Court vide order dated 08.04.2024 passed in Cr. Misc. No. 25592 of 2024. The petitioner is in custody since 11.01.2024 and has twelve criminal antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Barbigha P.S. Case



No. 531 of 2023, Subject to following conditions:

- (i) One of the bailors shall be own/close member of the family of the petitioner.
- (ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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