

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32612 of 2024

Arising Out of PS. Case No.-984 Year-2022 Thana- ARARIA District- Araria

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Nishikant Kumar Son Of Biresh Mandal @ Biresh Kumar @ Viresh Kumar
Mandal Village- Bagnagar, Ward No. 03, P.S- Mahalgaon (Jokihat), District-
Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 26-07-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Araria P.S. Case No. 984 of 2022, dated 14.11.2022, registered
for the offence punishable under Section 394 of the Indian Penal
Code and Section 27 of Arms Act.

3. Mr. Kumar Ravish, learned counsel for the
petitioner submits that the FIR was registered against two
unknown persons, though against this petitioner there are
criminal antecedent of six cases but petitioner was initially
arrested in Araria P.S. Case No. 1092 of 2023 and thereafter he
was remanded from that case in other six criminal cases
including the present case. After his remand, the police failed to



procure any admissible evidence against him and the instant matter relates to loot with causing firearm injury but any part of the looted amount was not recovered from the possession of this petitioner after he was taken into custody. It is further submitted that in the FIR, the informant opined the age of the miscreants as being 35 and 32 years and also claimed to identify the accused upon seeing them but the petitioner was not put on test identification parade despite the said claim of the informant and moreover the petitioner is 22 years old and his age does not match with the age opined by the informant. Learned counsel further submits that the petitioner is a student of Bachelor of Science from Purnea University and the prosecution is mainly relying upon the so-called confessional statement of the petitioner in respect of his involvement in the alleged crime. Learned counsel further submits that petitioner has been languishing in jail since 02.01.2024 and against him, the investigation has been completed.

4. Although, Mr. Gauri Shankar Gupta, learned APP appearing for the State has opposed the bail prayer of the petitioner but has not pointed out any incriminating and admissible evidence against this petitioner.

5. Having regard to the above submissions and mainly



considering petitioner’s age, his academic career and above mentioned pleas, which have not been refuted by learned APP, in my opinion, in the said circumstances, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named- above be enlarged on bail in connection with Araria P.S. Case No. 984 of 2022 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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