

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33825 of 2024

Arising Out of PS. Case No.-1092 Year-2023 Thana- ARARIA District- Araria

Nishikant Kumar SON OF BIRESH MANDAL @ BIRESH KUMAR @
VIRESH KUMAR MANDAL R/O- Village- Bagnagar, Ward No. 03, P.S.-
Mahalgaon (Jokihat), District- Araria

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 13-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Araria P.S. Case No. 1092 of 2023 dated 13.11.2023 registered for the offences punishable u/ss 392 of the Indian Penal Code and in which Section 411 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act were added.

3. As per the prosecution case, three unknown miscreants boarded on two motorcycles are alleged to have stopped the informant. It is alleged that one of the miscreants pointed a gun while others snatched the informant's bag containing Rs. 1,24,994/-, company documents, ID card,



photocopies of Aadhar Card, PAN Card, power bank and data cable and also threatened to kill if he made any noise. Thereafter, they fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case merely on suspicion. Nothing has been recovered from the conscious possession of the petitioner. No T.I.P. has been conducted by the prosecution. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has six criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 15.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria in connection with Araria P.S. Case No. 1092 of 2023 with the condition :-

(i) The petitioner is directed to



remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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