

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37873 of 2024

Arising Out of PS. Case No.-9 Year-2023 Thana- BACHHWARA District- Begusarai

Nikesh Kumar @ Dhinda @ Dhindha @ Chhotu @ Nikes Kumar son of
Rajkishore Singh, Resident of Village Raghunandanpur PS Bhagwanpur,
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Gautam

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T.
No.772/2023 arising out of Bachhwara P.S. Case No. 9/2023
registered for the offences punishable under Sections 392 and
397 of the Indian Penal Code.

3. As per prosecution case, on 12.01.2023 the
informant proceeded with collected amount of Rs.30,490/- and
when he reached at Godhana National Highway, two unknown
persons came and pointed out pistol upon the informant and
snatched the motorcycle as well as aforesaid collected money
and fled away. Hence, FIR has been registered against two
known.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner transpired in this case during course of investigation on the basis of disclosure of spy and there is nothing on record to show as to who has disclosed the name of present petitioner. No incriminating article has been recovered from the conscious possession of the petitioner and there is no eye witness of the alleged occurrence. He further submits that no T.I.P. has been conducted till date. The petitioner is in custody since 15.01.2023 and bears criminal antecedent of two cases. Learned counsel for the petitioner orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar and identical allegation, co-accused Santosh Kumar @ Chattan Singh has already been granted bail by this Court vide Cr. Misc. No.73925/2023 and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted



bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI, Begusarai in connection with S.T. No.772/2023 arising out of Bachhwara P.S. Case No. 9/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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