

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38909 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- BARHIYA District- Lakhisarai

Nilesh Kumar Son of Shrilal Yadav R/O Village- Walipur, P.S.- Pipariya,
Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Barahiya P.S. Case No.
04 of 2024, instituted for the offences punishable under Sections
395, 397 of the Indian Penal Code and Section 27 of the Arms
Act.

3. The prosecution case, in short, is that, six unknown
miscreants in two motorcycles intercepted the informant and
snatched mobile, motorcycle, etc. and also assaulted him by
means of butt.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No



incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the F.I.R. On the basis of secret information police apprehended the petitioner. The looted motorcycle has been recovered from the house of co-accused Gaurav Kumar. No recovery of looted articles have been made from the possession of the petitioner. No T.I. parade has been conducted in this case. The petitioner is in custody since 09.01.2024 and has got three criminal antecedents.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barahiya P.S. Case No. 04 of 2024, subject to the 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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