

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38330 of 2024

Arising Out of PS. Case No.-83 Year-2023 Thana- SHANKARPUR District- Madhepura

Nitish Kumar Son of Bauku Ram @ Ramchandra Ram Resident of Village-
Mora Ramnagar @ Maura @ Maoura Ramnagar @ Kabiya, Ward No.-5
(Wrongly mentioned as Ward No.-06), P.S.-Shankarpur, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bambahadur Jha, Advocate
For the State : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr. Bambahadur Jha, learned counsel for the

petitioner and Mr. Nirmal Kumar Sinha, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Shankarpur P.S. Case No. 83 of 2023, F.I.R.
dated 21.05.2023 for the offences punishable under Sections
382 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner along
with other persons is said to have come on a motorcycle and
dashed the informant's bicycle causing injury on different parts
of the body of the informant and took away silver chain, cash of
Rs.5,000/- and Aadhar Card from the informant.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner has been made accused merely on the basis of the disclosure made by the co-accused person, namely, Raj Kumar.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused person, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Madhepura in connection with Shankarpur P.S. Case No. 83 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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