

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36151 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- BIRPUR District- Supaul

Nilesh Kumar S/O Shri Shyam Kumar Mahta R/O Village- Rampur, Ward No. 5, P.S- Balua Bazar, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Birpur P.S. Case No. 268 of 2023 instituted for the offences under Section 392 of the Indian Penal Code.

3. As per prosecution case, in short, is that unknown miscreants assaulted the Informant and his uncle while they were going by a motorcycle. Thereafter, they snatched the mobile and motorcycle of the Informant and fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has



surfaced in this case on the basis of disclosures made by the co-accused persons. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. Till date, no T.I.P. has been conducted. He further submits that the recovered motorcycle bearing Regd. No. BR50Z-3084 is registered in the name of Nitish Kumar Mehta who is the friend of the petitioner whereas the seized mobile Realme 314G belongs to the petitioner. The petitioner has two criminal antecedents in which he is on bail and is languishing in judicial custody since 05.11.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused Dinesh Kumar Yadav and Warun Kumar who have confessed their guilt like the petitioner have been granted bail by this Court vide orders dated 26.04.2024 and 05.04.2024 passed in Cr. Misc. Nos. 20163 of 2024 and 25369 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and claim for bail being based on parity, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Birpur P.S. Case No. 268 of 2023.

(Rudra Prakash Mishra, J)

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