

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39148 of 2024**

Arising Out of PS. Case No.-21 Year-2024 Thana- KONCH District- Gaya

Nitish Kumar Son Of Raj Nandan Yadav resident of village - alawalchak, p.s.-  
Muffasil, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

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

ORAL ORDER

2      21-06-2024      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in Konch P.S. Case No. 21  
of 2024, instituted for the offences punishable under Sections  
395 and 397 of the Indian Penal Code.

3.      The prosecution case, in short, is that, ten  
miscreants looted a tractor from the informant on gun point.

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. It is further submitted that the  
petitioner is not named in the F.I.R. and name of the petitioner



has transpired on the basis of confessional statement of his brother-in-law Ankit Kumar. Except confessional statement of his brother-in-law, there is nothing alleged against the petitioner. The allegation levelled against the petitioner is not specific, rather general and omnibus in nature. The petitioner is in custody since 13.01.2024 and has got no criminal antecedent. Other co-accused has been granted bail by this Court vide order dated 24-04-2024, passed in Cr. Misc. No. 31239 of 2024.

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 as also claim based on parity, 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 Konch P.S. Case No. 21 of 2024.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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