

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40653 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- MASHRAK District- Saran

Nikesh Kumar @ Nikesh Prasad S/O Shailesh Prasad R/O Village- Mohara
Bansohi, P.S- Bhagwanpur Hat, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Dhananjay Kumar Tiwary, learned
counsel for the petitioner and Mr. Kanhiya Kishor, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mashrakh P.S. Case No. 33 of 2024, F.I.R.
dated 21.01.2024 for the offences punishable under Sections
379 and 511 of the Indian Penal Code.

3. According to prosecution case, informant being the
chowkidar of the police station arrested one Rohit Kumar who
along with two other persons were trying to steal diesel from the
tank of a truck and the apprehended person disclosed the name
of the petitioner.

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 implicated in this case on the basis of the disclosure made by the co-accused, namely, Rohit Kumar and except the disclosure made by the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and he has been made accused only 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 Additional District & Sessions Judge – XII, Saran at Chapra in connection with Mashrakh P.S. Case No. 33 of 2024, 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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