

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50689 of 2024

Arising Out of PS. Case No.-634 Year-2023 Thana- GAYA KOTWALI District- Gaya

Nitish Kumar @ Bhola son of Umesh Yadav Village-Bhola Bigha Ps-Belaganj
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Braj Kishore Pd., APP)

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kotwali P.S. Case No. 634 of 2023 dated 08.11.2023, instituted for the offence punishable under Section 395 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date and time of occurrence, when the informant was working with his staff in Flipkart office, then 8 to 10 unknown persons have been entered in the office and they have looted Rs. 1,50,000/- and mobile and they also destroyed C.C.T.V. and computers.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. Learned counsel for the petitioner submits that the F.I.R. has been lodged against unknown persons. Only on the basis of confessional statement of co-accused, the petitioner has been made accused in this case. Learned counsel for the petitioner submits that nothing has come against the petitioner in the case diary which connects the petitioner in the said offence. Due to criminal antecedents of the petitioner, he has been made accused in this case. Lastly, it has been submitted that the petitioner is in custody since 12.12.2023 having four criminal cases against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya in connection with Kotwali P.S. Case No. 634 of 2023, subject to the 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 on his absence on two



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

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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