

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65162 of 2023

Arising Out of PS. Case No.-151 Year-2021 Thana- MUSAHARI District- Muzaffarpur

NITISH KUMAR @ NITESH KUMAR S/o- NAND KISHORE SAH
Village- Champapur Agrali Ps- Baligaon Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Mushari P.S. Case No. 151 of 2021 registered for the offence
punishable under Section 392 of the Indian Penal Code.

3. As per prosecution case, informant was working as
Manager in Bharat Finance Inclusion Limited Company,
Muzaffarpur. On 02.09.2021, informant had gone to Nawada
and Naya Gaon for collecting money. In the way, two unknown
miscreants came on motorcycle and looted away collection
amount of Rs. 60,000/-, Samsung TAB, Biometric Machine and
mobile of the informant. Hence, FIR has been registered against
unknown.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has not committed any offence as alleged in the FIR and due to his criminal antecedent petitioner has been falsely implicated in this case. Petitioner is not named in the FIR and his name has been surfaced in this case upon the self confessional statement of petitioner recorded in Sakra P.S. Case No. 357 of 2022 on 11.07.2022 though the occurrence took place on 02.09.2021 i.e. after ten months of the occurrence. Basically, no incriminating article has been recovered from possession of the petitioner. Petitioner is in custody since 11.05.2023 in the present case. Learned counsel through supplementary affidavit submits that petitioner bears criminal antecedent of nine cases. He further submits that petitioner has been roped in a case one after another in a routine manner. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on



record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court No. 12 of Judicial Magistrate, 1st Class, Muzaffarpur, East in connection with Mushari P.S. Case No. 151 of 2021, G.R. No. 3566 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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