

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67402 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- PIRI BAZAR District- Lakhisarai

Nilesh Kumar S/o- Shrilal Yadav, R/o Village- Walipur, P.S.- Pipariya,
District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Binod Murari Mishra, Advocate
For the Opposite Party : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Binod Murari Mishra, the learned
counsel for the petitioner and Mr. Nand Kishore Prasad, the
learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
09.02.2024, in connection with Piri Bazar P.S. Case No. 03 of
2024, FIR dated 06.01.2024, registered for the offence
punishable under Section 395 of the Indian Penal Code.

3. According to the prosecution case, the petitioner
along with other co-accused persons came on motorcycle at
petrol pump and looted Rs. 13,000/- (Rupees thirteen thousand
only) cash, four litres of Honda Activ Mobil and also full they
motorcycle tanks with petrol on gun point and they also
snatched the mobile of the informant.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He



further submits that petitioner is not named in the FIR and name of petitioner transpired merely on the basis of suspicion and except suspicion, no other cogent material has come during investigation which suggests involvement of the petitioner in the present occurrence. He further submits that petitioner has been remanded in the present case on 09.02.2024, however, till date the prosecution has not conducted the test identification parade and the petitioner is in custody since 09.02.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries six cases other than the present of similar nature, but fairly admits that out of six cases, petitioner is on bail in one case.

6. Considering the aforesaid facts and circumstances and mainly the fact that petitioner is not named in the FIR and name of petitioner transpired merely on the basis of suspicion and except suspicion, no other cogent material has come during investigation which suggests involvement of the petitioner in the present occurrence, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai,



in connection with **Piri Bazar P.S. Case No. 03 of 2024**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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