

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71848 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- DUMARIAGHAT District- East
Champaran

Nitesh Kumar @ Nitish Kumar Son of Kishor Rai Resident of village -
Madhopur Hazari, P.S.- Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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

ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dumariyaghat P.S. Case No. 169 of 2024 instituted for the
offences under Sections 313, 317, 3(5) of the Bharatiya
Nyaya Sanhita, 2023.

3. Prosecution story, in short, is that, police on the
basis of secret information that some miscreants were
planning to commit *dacoity*, raided the place of occurrence
and caught the miscreants including the petitioner in a pick-up
vehicle. It is further alleged that *khanti* and iron rod etc. were
also recovered.



4. Learned counsel for the petitioner submitted that petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against these petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submits that petitioner undertakes not to commit similar nature of offence in future. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.07.2024. Petitioner has two criminal antecedents.

5. Learned counsel for the petitioner again submits that the co-accused namely Rupesh Kumar, Lalbabu Kumar and Najruddin @ Dugli have been granted bail by this Court vide order dated 22.10.2024 passed in Cr. Misc. No. 74670 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the period of custody



undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dumariyaghat P.S. Case No. 169 of 2024.

(Rudra Prakash Mishra, J)

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