

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77770 of 2023**

Arising Out of PS. Case No.-306 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Nand Kishor Kumar @ Nand Kishor Yadav @ Natraz Son Of Karanti Yadav
@ Kanti Yadav R/O Village- Jurabganj, P.S.- Kodha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anup Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

- 3 21-06-2024 The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Kotwali (Jogsar) P.S. Case No. 306 of 2021, registered for the offence punishable under Sections 379 of the Indian Penal Code, inasmuch as earlier petition filed by the petitioner for grant of regular bail, i.e. Cr. Misc. No.59229 of 2022 was permitted to be withdrawn with liberty to the petitioner to renew his prayer for bail after a lapse of one year, vide order dated



13.01.2023.

2. The allegation is regarding the informant having gone to the bank and withdrawn a sum of Rs.3 lakh on 05.05.2021, whereafter he had kept the same in the dickey of his motorcycle and then he had gone to purchase medicine, however, when he returned back, he found that the dickey of the motorcycle was open and the polythene bag in which the money was kept, was missing, whereafter the informant had lodged the FIR in question against unknown persons.

3. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner further submits that neither there is any eye witness to the alleged occurrence nor any recovery has been made from the petitioner, nonetheless the petitioner is languishing in custody since 23.10.2021, i.e. since more than two and a half years. It is further submitted that the petitioner is on bail in nine cases out of ten other



cases in which he has been made an accused, hence the petitioner be granted the privilege of bail. It is contended that the petitioner is ready to be imposed with such conditions as may be deemed fit and proper to be imposed for the purpose of grant of bail.

4. *Per contra*, though the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail, however, it has been stated by referring to the case-dairy in question that there is no eye witness to the alleged occurrence, merely hearsay witnesses have deposed before the police and the petitioner has been implicated in the present case only on the basis of his confessional statement, apart from the fact that no recovery has been made from the petitioner.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that there is



minuscule evidence in the case-diary so as to prima facie show that the petitioner is having complicity in the alleged occurrence, apart from the fact that neither there is any eye witness to the alleged occurrence nor any recovery has been made from the petitioner and moreover, he is languishing in custody since more than two and a half year, hence I deem it fit and proper to admit the petitioner to the privilege of regular bail.

6. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No.306 of 2021.

7. It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10:00 am on every Monday of the week, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the



present privilege of bail shall stand cancelled
automatically and the petitioner shall be taken into
custody forthwith.

(Mohit Kumar Shah, J)

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