

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74638 of 2023

Arising Out of PS. Case No.-297 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

NITESH KUMAR Son of Indal Sharma @ Indal Sahni R/o vill - Mahesha
Arrukhpur, P.s. - Mahindwara, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Runni Saidpur P.S. Case No. 297 of 2023 registered for the
offence punishable under Section 392 of the Indian Penal Code.

3. As per prosecution case, on 05.06.2023 at about
09:45 PM, three persons on motorcycle came and on the point
of country made pistol looted away the informant's motorcycle,
mobile phone, purse and bag containing original academic
certificates, Aadhar card, Pan Card, Driving Licence etc. It is
alleged that informant is said to have identified one of the
miscreants as Raju Sahni.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been



surfaced in this case upon the confessional statement of co-accused Raju Sahni. Except disclosure of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Petitioner has not been put on TIP. Petitioner is in custody since 25.07.2023. Petitioner bears criminal antecedent of two cases in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, 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 Chief Judicial Magistrate, Sitamarhi in connection with Runni Saidpur P.S. Case No. 297 of 2023, 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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