

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4914 of 2025

Arising Out of PS. Case No.-456 Year-2018 Thana- BODHGAYA District- Gaya

Nitish Kumar Son of Shravan Kumar Resident of Village - Kamalpur, P.S. -
Muffasil, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 16-05-2025 Heard learned counsel for the petitioner and the
learned Meena Singh Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Bodh Gaya P.S. Case No. 456 of 2018, registered for the
offences punishable under Section 392 of the Indian Penal
Code. Petitioner has ten criminal antecedents.

3. The prosecution case is to the effect that on
29.07.2018, the informant while returning to his house, was
intercepted by three persons on a motorcycle and on the point of
revolver they snatched away his mobile and the TVS motorcycle
which the informant was riding.

4. The learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner was not named in the
FIR and he states that for the same set of occurrence Muffasil



P.S. Case No. 390 of 2024 was registered when the looted motorcycle of the informant of the present case is said to have been recovered from the house of the petitioner for which he was also sent to jail. The learned counsel has further submitted that for the same occurrence two FIRs, one being Muffasil P.S. Case No. 390 of 2024 and the other being Bodh Gaya P.S. 456 of 2018 has been lodged against the petitioner. The learned counsel further submits that initially the case was closed and subsequently on the application by the police further investigation of the case started and police finally submitted chargesheet on 31.10.2024 for offences under Section 392 IPC and accordingly cognizance was taken. The learned counsel for the petitioner submits that he was taken on remand on 05.09.2024 and since then he is in jail.

5. The learned A.P.P. for the State has opposed the prayer for bail and has stated that the petitioner carries antecedent of 10 cases and hence he is a habitual offender and should not be released on bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account that the petitioner was not named and he is in custody since 05.09.2024 in the present case, I am inclined to grant the petitioner privilege of regular



bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya P.S. Case No. 456 of 2018, subject to the following conditions:-

(i) If the petitioner is found to have to influence the witness or the informant or his family member, the prosecution shall be at liberty to move the learned court below for cancellation of his bail.

(ii) If, the petitioner involvement is found in similar nature of offence in the future, the prosecution will be at liberty to move for cancellation of their bail bonds.

(iii) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(iv) The petitioner shall remain physically present in Court on each date of the trial.

(v) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.



(vi) And further condition that the court below 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 court below 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.

(vii) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Patna within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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