

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11093 of 2025**

Arising Out of PS. Case No.-480 Year-2024 Thana- BANIAPUR District- Saran

Nitish Kumar @ Nitesh Kumar S/o- Kishun Dev Rai Village - Lauwa Kala,
P.s. Baniyapur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Baniyarpur P.S. Case No. 480 of 2024 instituted for the
offences under Sections 309(4) of the Bharatiya Nyaya
Sanhita, 2023.

3. As per prosecution case, the accusation against
the accused persons including the petitioner is of snatching
the motorcycle and mobile of the Informant on the gun point.
It is alleged that the police has recovered stolen motorcycle
from the house of the co-accused.

4. Learned counsel for the petitioner submitted that



the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of the co-accused Rajan Kumar. Nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has got no concern with the motorcycle. No T.I.P. has been conducted in this case. The mobile, in question, belongs to the petitioner which he had purchased from one of the villagers. There is no compliance of Section 103 of the B.N.S.S. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.10.2024 and has one criminal antecedent. Learned counsel for the petitioner again submits that the co-accused namely Vikki Kumar has been granted bail by this Court vide order dated 16.01.2025 passed in Cr. Misc. No. 90318 of 2024.

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

6. Considering the aforesaid facts and



circumstances of the case and the period of custody undergone by the petitioner as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

7. 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 Baniyapur P.S. Case No. 480 of 2024.

(Rudra Prakash Mishra, J)

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