

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10528 of 2025

Arising Out of PS. Case No.-142 Year-2023 Thana- PURAINI District- Madhepura

Nitish Kumar S/o Madan Sah R/o Village- Majharpatti, Ward no 6, PS-
Udakishunganj, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Laxmi Kumari, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Puraini
P.S. Case No. 142 of 2023 instituted for the offences punishable
under Section 392 of the Indian Penal Code.

3. As per the prosecution case, three unknown
miscreants carrying carbine and pistol riding on Apache
motorcycle came at the informant's shop and assaulted the
informant and fired at him from firearms and took away his two
mobiles, the whole incident is alleged to have been recorded in
the CCTV.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has



falsely been implicated in this case only on the basis of confessional statement of co-accused namely Jayjay Sahni. He further submits that the petitioner is not named in the FIR and his name has come during course of investigation. Nothing incriminating articles have been recovered from the conscious possession or house of the petitioner. Moreover, there is inordinate delay in filing the F.I.R. which has not been explained. Petitioner is in custody since 06.03.2024 having clean antecedent. He further submits that other co-accused has been granted bail vide order dated 15.07.2024 and 24.05.2024 in Cr. Misc. No. 41002 of 2024 and 37356 of 2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order dated 06.04.2024, it appears that the petitioner has been made accused only on the basis of confessional statement of co-accused namely Jayjay Sahni. Similarly situated co-accused person namely Jay Jay Sahni has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 37536 of 2024 vide order dated 21.05.2024, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Judicial Magistrate-1st Class
Udakishunganj, Madhepura in connection with Puraini P.S. Case
No. 142 of 2023.

(Ramesh Chand Malviya, J)

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