

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11177 of 2025

Arising Out of PS. Case No.-48 Year-2022 Thana- TURKAULIYA District- East Champaran

Nikesh Kumar S/O Ramesh Paswan Resident of village - Ghoghraha Bairiya (Ghoghrahan Bairiyadh) P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

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

ORAL ORDER

3 04-04-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Turkauliya P.S. Case No. 48 of 2022, instituted for the offences punishable under Sections 395 and 412 of the Indian Penal Code.

3. The prosecution case, in short, is that, seven unknown miscreants boarded on two motorcycles intercepted the informant and looted two mobile phones, a bag containing HP laptop, camera, some equipments, gold chain and cash amounting to Rs. 2200/-, on the point of pistol from him and fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case during investigation and got information that the mobile was being used by the petitioner. It is next submitted that the petitioner purchased the said mobile in good faith from co-accused, namely, Raja Babu without knowing the fact that the said mobile was a stolen one and then he returned the same to co-accused Raja Babu. Neither any looted articles have recovered from the petitioner nor any T.I. parade has been made in this case. The petitioner is in custody since 05.10.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 18.03.2025 passed in Cr. Misc. No. 87612 of 2024.

5. Learned APP 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, taking into account the period of custody undergone by the petitioner and claim 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Turkauliya P.S. Case No. 48 of 2022.

(Rudra Prakash Mishra, J)

Rajorshi/-

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