

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21808 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- MALAHI District- East Champaran

Nitesh Kumar S/o Shashikant Prasad RO Village - Gahiri, PS- Nautan,
District- West Champaran

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate

For the Opposite Party/s : Mr. Anish Chandra, A.P.P

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with S.Tr.
No. 1074 of 2024 arising out of Malahi P.S. Case No. 38 of
2024 registered for the offences punishable under Sections
317(4), 317(5) and 3(5) of B.N.S.S

3. As per prosecution case, co-accused Bhusan
Kumar, Vijay Kumar and Ritesh Kumar were apprehended with
three motorcycles in question for which they did not produced
any paper. It is further alleged that apprehended co-accused
disclosed the name of petitioner and other who were also
involved in selling of stolen motorcycles.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 08.09.2024 and he bears criminal



antecedent of one case in which he is already on bail. Petitioner is quite innocent and has committed no offence as alleged in the FIR. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that except disclosure of co-accused, there is nothing on record to connect the petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Seizure list has not been prepared as per law.

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

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 10, East Champaran, at Motihari in connection with S.Tr. No. 1074 of 2024, arising out of Malahi P.S. Case No. 38 of 2024, 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)

vashudha/-

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