

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24126 of 2025

Arising Out of PS. Case No.-366 Year-2024 Thana- DEEPNAGAR District- Nalanda

Nivas Kumar Son of Pappu Gop R/O Village- Vijawanpar, P.S.- Deepnagar,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Deepnagar P.S. Case No. 366 of 2024, registered for the
offences punishable under Sections 310(2) and 317(3) of the
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is in short is that while at
about 9:25 P.M., the informant was traveling on his motorcycle
suddenly 3 persons overtook him and on the point of pistol,
snatched away around Rs.5,300/- and a mobile and then had
further transferred Rs.19,000/- on 4 occasions to a certain
mobile number, however, they did not loot the motorcycle on
which the victim was travelling.

4. Learned counsel for the petitioner submits that the



petitioner is not named in the FIR and his named has surfaced during course of the investigation on the basis of the fact that there were 11 phone calls made on the date of occurrence on phone number of the co-accused, namely, Manish Kumar apart from that there is nothing to show that the petitioner was involved in the aforesaid incident. The learned counsel for the petitioner also submits that TIP parade has not yet been done and petitioner has not been identified and no incriminating article has been recovered or amount is stated to have been sent to him which has been alleged in the FIR. It has lastly been submitted that the petitioner is in judicial custody since 07.11.2024.

5. Learned APP for the state has vehemently opposed the prayer for bail of the petitioner and stated that the petitioner and others are working as a gang and have been committing crime through online and other modes.

6. Considering the aforesaid submissions of the parties and considering the fact that barring the 11 calls being made by petitioner to co-accused, Manish Kumar nothing incriminating has been recovered or any amount having been received by the petitioner is found and also the period of custody undergone, let the petitioner, above named, be released on bail on deposition of Rs. 20,000/- in the learned



Court below 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, Nalanda, Bihar Sharif in connection with Deepanagar P.S. Case No. 366 of 2024 subject to the the following conditions:-

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.
- (iii) In case the prosecution is found the petitioner’s involvement in similar nature of allegation after his release and 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.

(Sourendra Pandey, J)

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