

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41563 of 2025

Arising Out of PS. Case No.-142 Year-2023 Thana- JAGDISHPUR District- Bhojpur

Nitish Kumar S/o Late Shankar Singh R/o Village- Dehri, P.S- Udawantnagar,
District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Jagdispur P.S. Case No. 142 of 2023 registered on 15.04.2023 for the offences under Sections 399, 402 and 412 of the Indian Penal Code and Sections 25(1-b)A, 26 and 35 of the Arms Act.

3. As per prosecution case, police received secret information about 5-6 persons sitting near banks of river Banas and making plans for committing offence of robbery. A raid was conducted and 4 of them were apprehended including this petitioner. The apprehended co-accused also disclosed the name of co-accused Md. Ambar @ Raja who fled away on seeing the police party. On search of co-accused Guddu Kumar, recovery of a loaded country made pistol with three spent cartridges and



one live cartridge from his pant were made apart from that mobile phones and motorcycle were also seized. The co-accused also disclosed his involvement in a number of cases and disclosed that the motorcycle seized was looted earlier in Narayanpur Police Station area. From petitioner and other co-accused persons recovery of mobile phones were made. From the house of this petitioner recovery of stolen motorcycle was also made.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Nothing incriminating has been recovered from the person or possession of this petitioner and there is no material to show the involvement of the petitioner in any illegal activity. Learned counsel further submits that the recovery of motorcycle shown from the house of the petitioner is not of a looted motorcycle. But the motorcycle belongs to one of the relatives of the petitioner who has parked it there and the petitioner kept the motorcycle in good faith in his house. Petitioner was not aware that the motorcycle was stolen one. Petitioner is having antecedent of six cases. Petitioner is in custody since 28.02.2025 and charge-sheet has been submitted.



5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner is a habitual offender and recovery of motorcycle was made from his house.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner as well as submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned ACJM-1st, Bhojpur at Ara/concerned court in connection with Jagdispur P.S. Case No. 142 of 2023, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other 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.

(iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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