

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48103 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- NADI P.S. District- Patna

Nitish Kumar S/o Dharmendra Saw @ Dharm Saw R/o Village- Naya Tola,
Simari, P.S.- Bakhtiyarpur, Distt- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Rashmi Sharma, Advocate
For the State	:	Mr.Surendra Kumar, APP
For the Informant	:	Mr.Narendra Kr.Singh, Advocate
		Mr.Akash Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-12-2025 Heard learned counsel appearing on behalf of the

petitioner, learned A.P.P. for the State and learned counsel

for the informant.

2. The accused/petitioner seeks bail in connection

with Nadi P.S. Case No. 29 of 2025 registered for the

offences under Sections 309(4) of the Bhartiya Nyay Sanhita,

2023 (in short, the 'B.N.S.') and section 66 of the I.T. Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 15.02.2025.

4. As per FIR, unknown miscreants while giving lift

to the informant in their Alto Car, after short journey, looted

his cash of Rs. 18,000/- and also his mobile, ATM Cards of



Axis Bank and Central Bank, Aadhar Card, PAN Card etc.

5. It is submitted by learned counsel appearing on behalf of the petitioner that name of this petitioner transpired during course of investigation on the basis of confessional statement of apprehended co-accused Shrawan Kumar and Mithilesh Kumar in police custody, in furtherance of which, no incriminating material appears recovered from the petitioner to connect him *prima facie* with the present crime in question.

6. It is submitted that one of the reason behind false implication of this petitioner is also suspicion which arises out of his criminal antecedents as he found involved in total of 13 cases, wherein he is on bail in seven cases and in maximum of cases his name transpired on the basis of confessional statement as of the present case.

7. It is pointed out that having all occasion to identify this petitioner, he was not put on TIP. It is further pointed out that as per allegation, the ATM Cards of the petitioner was misused and total of Rs. 99,300/- was withdrawn by using his ATM Cards through UPI. In this context, it is submitted that the alleged online transfer of



money was not made to the account of this petitioner.

8. While concluding argument, it is submitted that investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

9. In context of criminal antecedent, it is pointed out that if merit of this case is otherwise convincing in favour of petitioner merely on the basis of his criminal antecedent ordinarily prayer of bail should not be declined. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

10. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

11. Learned counsel appearing for the informant submitted that petitioner is involved in snatching of valuable articles and cash of Rs. 18,000/- from the informant.

12. In view of aforesaid factual submission and by taking note of the fact as save and except suspicion arising



out of confessional statement of co-accused in police custody, nothing *prima facie* appears recovered during course of investigation as to connect the petitioner with the present crime in question, coupled with the fact that investigation of this case is completed, where petitioner remains in custody since 15.02.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Patna City/concerned court, in connection with Nadi P.S. Case No. 29 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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