

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81823 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- DEWARIA District- Muzaffarpur

Nitesh Kumar @ Niteesh Kumar @ Nitish Kumar Son of Late Kriti Sahani
Resident of Village-Husserpur @ Hussepur, Naya Tola, P.S.- Sahebganj,
Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the State : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-02-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Dewaria P.S. Case No. 79 of 2024 for the offences punishable under Section 392 of the Indian Penal Code, lodged on 12.04.2024 by the informant, Munna Kumar.

3. As per the prosecution story, the informant alleged that while returning on his motorcycle, the accused persons intercepted on a gun point, looted the motorcycle as also Rs.30,000/- cash, this led to the FIR.

4. Learned counsel for the petitioner submits that he is not named in the F.I.R. and is in custody since 30.05.2024 (paragraph no.4 of the petition) and the last submission is that one of the accused Dilip Sahni has been granted relief in Cr.



Misc. No. 56920 of 2024 after framing of the charges.

5. Learned APP for the State opposes the prayer submitting that on his confession, the others were implicated and he has criminal antecedent.

6. Considering the aforesaid facts as also that though he has criminal antecedent, has remained in custody since 30.05.2024, one of the co-accused has been granted bail as stated above, this Court is inclined to extend him the privilege of bail after the framing of charges as order in the case of Dilip Sahni.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-5th, Muzaffarpur (West) in connection with Dewaria P.S. Case No. 79 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond



by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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