

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82079 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- DEWARIA District- Muzaffarpur

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Dewaria P.S. Case No. 78 of 2024, registered on 12.04.2024 for the offences under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, three miscreants riding a motorcycle, abused and fired upon the son of the informant. The shot hit on the hands of the son of the informant causing injuries to him. As the nearby people assembled there, the miscreants could not rob the son of the informant. The name of the petitioner transpired during investigation as one of the accused persons.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the basis of his confessional statement, which has got no legal sanctity. The petitioner was apprehended on 14.04.2024 with co-accused Dilip Sahani and Mithilesh Kumar in connection with Dewaria P.S. Case no. 80 of 2024 and, thereafter, the petitioner was remanded in this case on 30.05.2024, but nothing incriminating has been recovered from the person/possession of the petitioner. The Test Identification Parade has been shown to be conducted on 13.04.2024 but the petitioner has been remanded in this case on 30.05.2024 and this fact shows the story of Test Identification Parade is false. Petitioner is having criminal antecedent of two cases. The co-accused Dilip Sahani has been granted bail by this Court vide order dated 26.10.2024 passed in Cr. Misc. No. 57206 of 2024. The charge sheet has been submitted.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner and further considering grant of bail to similarly placed co-accused Dilip



Sahani and also considering the period of custody of the petitioner and 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 A.C.J.M-5th, West Muzaffarpur/concerned court in connection with Dewaria P.S. Case No. 78 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure 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)

V.K.Pandey/-

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