

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16844 of 2015

Arising Out of PS.Case No. -70 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA

Nitesh Singh Son of Late Umadhar Singh Resident of village - Sinuara,
P.S. Bahadurpur, District - Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Adv.

For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 14-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 147, 148, 149, 448, 323, 307 & 504 of the Indian Penal Code and Section 27 of the Arms Act, this Court, on finding that the allegation of assault by way of firing is against one Ranjit Bhatnagar who, along with 20-25 unknown persons, are said to have resorted to firing out of which one bullet injury hit the informant, this Court, having found that there is complete lack of any specific allegation of overt act against the petitioner and that his name surfaces only on the ground of old admitted land dispute, would find the petitioner, who has also got only one criminal case for minor offence pending against him, to be entitled for grant of privilege of anticipatory bail.



That being so, if the petitioner, namely, Nitesh Singh surrender before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 70/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) If the petitioner is found accused in any third criminal case except the present case and the Bahadurpur P.S. Case No. 200 of 2007 (G.R. No. 214/2007 u/s 279, 338 of the Indian Penal Code), he shall not be granted bail.
- (ii) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (iii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any

other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(v) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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