

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27082 of 2018

Arising Out of PS. Case No.-178 Year-2017 Thana- PARWALPUR District- Nalanda

Nitish Kumar S/o Vinay Prasad, resident of village- Tribhuwan Bigha, P.S.-
Tharthari, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Adv.

For the Opposite Party/s : Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 04-05-2018 Heard Sri Rajeev Kumar, learned counsel for the
petitioner and Smt. Meena Singh, learned Addl. Public
Prosecutor.

The sole petitioner, who is in custody since
20.10.2017 in Sessions Trial No.65 of 2018 arising out of
Parwalpur P.S. Case No.178 of 2017 registered for the offence
under Sections 399, 402, 120B of the Indian Penal Code and
Sections 25(1-b)a, 26/35 of the Arms Act, has prayed for grant
of bail.

At the very outset, learned counsel for the petitioner
submits that the petitioner is having clean antecedent, however
after having arrested in the present case, the petitioner has been
made accused in one another case also. He submits that on false
accusation that the petitioner along with others had assembled at



a particular place and preparing for committing dacoity, he has been arrested. After arresting the petitioner it was shown as if one loaded country-made pistol and one life cartridge was recovered from him. Learned counsel for the petitioner submits that the petitioner has falsely been implicated. It has also been argued that though in the present case, charge has already been framed, till date the prosecution has not examined any witness.

Learned Addl. Public Prosecutor has opposed the prayer for bail. She submits that during investigation, independent witnesses have also supported the case of the prosecution.

Considering the nature of accusation and period of custody, let the petitioner, namely, Nitish Kumar 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 learned Addl. Sessions Judge 3rd, Hilsa, Nalanda in connection with S.Tr. No.65 of 2018 arising out of Parwalpur P.S. Case No.178 of 2017 with conditions that (i) one of the bailors must be blood relation of the petitioner and (ii) during trial, on each and every date, the petitioner shall remain physically present in the court below. If continuously on two dates, the petitioner remains absent without prior permission of the trial court, his



bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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