

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6560 of 2018

Arising Out of PS.Case No. -171 Year- 2017 Thana -NALANDA District- NALANDA
(BIHARSHARIFF)

=====

Nitish Kumar S/o Rambhajan Gope, R/o Vill.- Maghra Sarai, P.S.-
Deepnagar, Distt.- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Sri Matloob Rab

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 02-02-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
25(1-B)a, 26, 35 of the Arms Act and Sections 3/4 of Explosive
Substances Act.

The prosecution case as per the written
report of Prabha Kumari, Station House Officer of Nalanda
Police Station dated 04.11.2017 is to the effect that that on
03.11.2017 the informant received information that miscreants
were preparing to commit dacoity, consequently raid was led
and five persons were apprehended, from whom loaded country



made pistol, live cartridges, mobiles and explosives kept in the plastic bags were recovered. However, few accused persons escaped from the scene. The apprehended accused persons disclosed the name of the persons who escaped from the scene, which including the name of the petitioner.

It is submitted by learned counsel for the petitioner that except the confession of apprehended co-accused persons no material has been collected against the petitioner and there is no recovery from the petitioner. Though, the petitioner is accused in one complaint case lodged with accusation under Sections 323, 380 and 452 of the Indian Penal Code but he is on bail in the said case.

Considering the fact that the name of the petitioner sprang up in confession of apprehended co-accused and there is no recovery from the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Nalanda P.S. Case No. 171 of 2017, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

The learned Court below will be at liberty
to cancel the bail bonds of the petitioner, if the petitioner fails to
co-operate in the investigation.

(Dinesh Kumar Singh, J)

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