

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13340 of 2018

Arising Out of PS.Case No. -170 Year- 2017 Thana -NALANDA District- NALANDA
(BIHARSHARIFF)

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1. Nitish Kumar, Son of Ram Bhajan Gope, Resident of Village- Maghra Sarai, P.S.- Deep Nagar, District- Nalanda (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deo Raj Kumar Prasad

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 05-04-2018 The petitioner is apprehending his arrest in connection with Nalanda P.S. Case No. 170 of 2017, registered for offences punishable under Sections 399 and 402 of the Indian Penal Code.

Prosecution case that police on information that some persons have assembled to commit dacoity, raided the place and arrested some persons with country made loaded pistols and live cartridges, however, some persons managed to flee away and the apprehended persons disclosed the name of those, who had fled away, petitioner is one of them.

It has been submitted on behalf of the petitioner that he has not been named in the F.I.R and he has been named on the basis of confession of co-accused and nothing has been recovered from the petitioner and for the said occurrence two F.I.Rs have



been lodged one under Section 399 and other Sections of IPC and one under Section Arms Act, and petitioner has been granted the privilege of anticipatory bail by a coordinate Bench of this Court in the case registered under Arms Act vide order dated 02.02.2018, passed in Cr. Misc. No. 6560 of 2018.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nalanda at Biharsharif, in connection with Nalanda P.S. Case No. 170 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, it is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and make himself available as



and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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