

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48229 of 2018

Arising Out of PS. Case No.-87 Year-2018 Thana- BYPASS District- Patna

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Nitesh Kumar @ Nitish Kumar @ Afridi Son of Sarvjeet Singh Resident of
Village- Fatehpur, P.S. Raghobpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh
For the Opposite Party/s : Smt. Reena Sinha

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 28-09-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with By-
pass P.S. Case No. 87 of 2018 registered under Sections 399,
402, 414 of the Indian Penal Code and Sections 25(1-B)a, 26, 35
of the Arms Act.

Petitioner along with five other accused persons
are said to have congregated at the Mahendra show room to
commit robbery. Petitioner along with two other accused
persons were apprehended while three accused persons
managed to escape and from the possession of the petitioner one
loaded country made pistol and seven live cartridge were
recovered.

It is submitted by learned counsel for the



petitioner that no such occurrence as alleged ever took place. Petitioner has no concern with the aforesaid occurrence. No incriminating article has been recovered from conscious physical possession of the petitioner. The petitioner has been falsely implicated in this case by the police at the instance of his enemy by planting the aforesaid recovery from his possession. There is no compliance of Section 100 Cr.P.C. Though, one more criminal case has been lodged against the petitioner, but he is on bail in the said case. The petitioner has been languishing in custody since 21.03.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, cum- Addl. Chief Judicial Magistrate-IV, Patna City, Patna in connection with By-pass P.S. Case No. 87 of 2018.

(Prakash Chandra Jaiswal, J)

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