

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16350 of 2018

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

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1. Niwas Kumar, Son of Kamla Prasad, Resident of Village- Jagdishpur
Tiyari, P.S.- Noorsarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr. Advocate
Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Rajballabh Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 05-04-2018

Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Nalanda P.S. Case No. 171 of 2017 registered for the offences
punishable under Sections 25(1-B), 26, 35 of the Arms Act and Section
34 of the Explosive Act.

Learned Senior Counsel for the petitioner submits that
there is no recovery of arms from the petitioner but he has been falsely
implicated in this case after having been implicated in another case
being Nalanda P.S. Case No. 170 of 2017. It is submitted that in the
said case, the petitioner has already been extended the privilege of
anticipatory bail by a Bench of this Court vide order dated 13.02.2018
passed in Cr. Misc. No. 7034 of 2018. It is further submitted that once
named in the aforementioned case, he has also been named in
connection with the present case on the basis of the confessional
statement of co-accused and there is no material to implicate him, save
and except, the said statement.



Considering the entire facts and circumstances of the case, let the petitioner in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Nalanda, Bihar Sharif, 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.

(Anjana Mishra, J)

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