

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2253 of 2019

Arising Out of P.S. Case No.-368 Year-2018 Thana- RAMKRISHNANAGAR District- Patna

Nishant Kumar, age-19(M), son of Shri Arvind Kumar Resident of village Sai
Police station Dhanaruah District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP- 15

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-01-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
14.09.2018 in connection with Ram Krishna Nagar P.S.Case
No.368 of 2018 for the offence alleged under Sections 399/402
of the Indian Penal Code and Sections 25(1-b)a,/26/35 of the
Arms Act.

The prosecution case as lodged by the informant
police personnel is that while on evening patrolling they got
secret information that 4-5 persons have assembled to commit
dacoity. On raid at the place of occurrence, four persons tried to
flee away but were apprehended by the police including the
petitioner. On search from the possession of the petitioner, one
country made pistol with two live cartridges were recovered.



Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He further submits that no overt-act has been committed by the petitioner and chargesheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have clean antecedent and three cases are pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Ram Krishna Nagar P.S.Case No.368 of 2018/G.R.No.6185 of 2018 to the satisfaction of Additional Chief Judicial Magistrate, Patna subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(ii) Petitioner will appear before the learned court



below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

B.Kr./-

U		T	
---	--	---	--

