

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7988 of 2019

Arising Out of PS. Case No.-462 Year-2018 Thana- BARHARA District- Bhojpur

Nitesh Kumar, S/o Suresh Ram, Resident of village-Neknam Tola, P.S.-
Barhara, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
02.11.2018 in connection with Barhara P.S. Case No.462 of 2018
registered for the offences punishable under Sections 399, 402 of
the Indian Penal Code and Sections 25 (1-B)a, 26 and 35 of the
Arms Act.

Prosecution case as per the self written statement of S.I.
Udai Pratap Singh recorded on 11.11.2018 at 3.00 P.M. is to the
effect that during patrolling, a secret information was received that
some accused persons were collecting the arms and ammunition for
purpose of committing a serious offence, whereupon, on a check
post, a Bolero vehicle and a Bullet motorcycle were intercepted and
three persons were apprehended who disclosed their name as



Krishna Pandey, Sumit Pandey and Shubham Kumar. Apprehended co-accused disclosed that they purchased the arms from the petitioner whereupon a raid was laid on the house of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the spot and the recovery has not been made from the possession of the petitioner. A statement has been made in paragraph no.3 that the petitioner is not having any criminal antecedent.

Learned A.P.P. has vehemently opposed the prayer for bail and submits that the name of the petitioner sprang up on the statement of apprehended accused.

Considering the nature of accusation no recovery being made from the possession of the petitioner coupled with the fact that statement has been made in para 3 of the bail application that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned C.J.M., Bhojpur at Ara in connection with Barhara P.S. Case No.462 of 2018.

(Dinesh Kumar Singh, J)

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