

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15472 of 2019

Arising Out of P.S. Case No.-91 Year-2018 Thana- THARTHARI District- Nalanda

NITISH KUMAR, Gender-Male, aged about 25 years, Son of Suresh Prasad
Resident of Village- Atbalchak, P.S.- Tharthari, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate
	:	Mrs. Babita Kumari, Advocate
	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s :	:	Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
22.12.2018 in connection with Tharthari P.S.Case No.91 of 2018
for the offence alleged under Sections 25(1-b)a, 26 and 35 of the
Arms Act.

The prosecution case as lodged by the police
personnel is that on secret information that some illegal arms
and ammunitions are being concealed in the house of co-
accused Suresh Prasad a raid was conducted and two ladies
were found hiding some weapons which was recovered from a
room under the bed and the two ladies Dharmshila Devi and
Sangeeta Devi upon interrogation stated that the arms and



ammunitions has been brought by the petitioner in the house of Suresh Prasad who is father of the petitioner and he some times comes to the house. The co-accused Suresh Prasad managed to flee away and one country made rifle, one country made pistol and nine 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 falsely been implicated in the aforesaid case. He submits that the house belonged to his father and he was not present during raid. Nothing has been recovered from his conscious possession and the two ladies Dharmshila Devi and Sangeeta Devi have already been granted bail by a coordinate Bench of this Court in Cr.Misc.No.68690 of 2018 dated 26.11.2018. He submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence and is languishing in judicial custody since nearly three months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case although for different offence earlier is pending against him.

Considering the materials on record, nature of



allegations and that chargesheet has already been submitted, 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 Tharthari P.S.Case No.91 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa at Nalanda, 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 his relationship with the petitioner.

(ii) 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)

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