

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21850 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- KHUTAUNA District- Madhubani

Sonu Kumar @ Nitesh Kumar @ Nitish Kumar Aged about 20 years (Male)
Son of Dilip Kumar Resident of Village-Adarsh Nagar (Chhoti Balia), P.S.-
Balial, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 399, 402, 414, 506 and 120(B) of the Indian Penal Code and Sections 25(1-b)A and 26/35 of the Arms Act registered in connection with Khutauna P.S. Case No. 67 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely on the basis of confessional statement of Bittu Kumar Singh, except which there is no objective material to connect the petitioner with the alleged occurrence. Further statement of the said co-accused Bittu Kumar Singh is that he met the petitioner while both persons were lodged in Madhubani Jail in connection with Bhairav Asthan P.S. Case No. 69 of 2017 which falsifies from letter no. 14 dated 02.01.2019 issued by the Public Information Officer, Mandal Jail, Madhubani to the effect that there was no record of the petitioner being lodged in that jail during the year 2017. It is stated that as a matter of fact, the petitioner was juvenile at the relevant time and was staying in remand home during the relevant period. The accusation under the Arms Act is not applicable to the petitioner.



Except the aforesaid Bhairav Asthan P.S. Case No. 69 of 2017, the petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 67 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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