

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39196 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- MAHESI District- East Champaran

NITESH KUMAR, aged about 32 years, Male, S/o Shambhu Sah, R/o village- Gariba, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Alok Kumar Alok, Advocate.
For the Opposite Party : Mr.Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-06-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 24.01.2019 in a case for the offence registered under Sections 412, 413, 414 of the IPC, 25(1-b), 26 and 35 of the Arms Act.

The prosecution story, in brief, is that on information that a Truck has been robbed, the police intercepted a Truck, wherein three persons including the driver were found present. Subsequently, during frisking, from the possession of co-accused Mithilesh Kumar, one loaded country made pistol and two live cartridges were recovered and from the possession of co-accused Sandeep Kumar Chaurasiya, one country made pistol alongwith two cartridges were recovered whereas from the possession of the co-accused, Sahim, one Mobile Phone was recovered. It is alleged against the petitioner that he was



escorting the robbed Truck with a Car and on demand, the petitioner failed to produce the relevant papers of Car and admitted that the Car was stolen one.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet/ prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no recovery of arms from possession of the petitioner. The petitioner was a co-passenger in the car in question. He had no knowledge regarding the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. East Champaran, Motihari, in connection with Mehsi P.S. Case No. 23/19.

(Sudhir Singh, J)

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