

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38875 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- MINAPUR District- Muzaffarpur

NITESH KUMAR, aged about 22 years (Male), Son of Jaglal Sah, Resident
of Village - Ramtomohan, Police Station- Minapur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Arun Kumar, Advocate.

For the Opposite Party : Mr.Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-06-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
07.01.2019 in a case for the offence registered under Sections
414, 420, 379/34 of the IPC, 25(1-b)a, 26 and 35 of the Arms
Act.

The prosecution story, in brief, is that the informant
alongwith other police party was on patrolling duty on
06.01.2019 and during that course, got information that two
miscreants alongwith stolen Yamaha Motorbike are sitting in a
Hotel. He alongwith police party reached there and
apprehended them as Nitesh Kumar and Rohit Kumar. In



presence of two independent witnesses, search was made and from possession of Nitesh Kumar, one Magazine loaded alongwith one live cartridge, one Purse having two ATM Cards, two Mobile Phones, one Yamaha Motorbike and from possession of Rohit Kumar, one cartridge, one Puse having to ATM Cards and a Mobile Phone were recovered. They did not produce any paper regarding the Motorbike and recovered articles and Nitesh Kumar divulged that he has purchased the Motorbike which is a stolen property.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. One Magazine alongwith one live cartridge and other articles are alleged to have been recovered from possession of the petitioner. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

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.
Muzaffarpur, in connection with Minapur P.S. Case No. 8 of
2019.

(Sudhir Singh, J)

U.K./-

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

