

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83520 of 2019

Arising Out of PS. Case No.-314 Year-2019 Thana- GORAUL District- Vaishali

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NISHU KUMAR S/o Ajay Kumar Srivastava R/o village and P.O. and P.S.-
Goraul, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha
For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 18-03-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Goraul P. S. Case No. 314 of
2019 instituted for the offence under Section(s) 25(1-b)/A/26/35
of the Arms Act.

The prosecution case is that on 31.08.2019 at 11.30 AM
three miscreants were seen riding on a motorcycle. When the
police party pursued the three persons, the motorcycle turned
over and the petitioner is alleged to have been arrested along
with a loaded '*katta*'.

The learned counsel for petitioner submitted that the
petitioner's grand mother Sobha Devi has contested the election
of the post of Sarpanch. No arms and ammunition, motorcycle
has been recovered from conscious possession of the petitioner



rather the said was planted by the police and seizure list witnesses. No occurrence, as alleged, was taken place on 31.08.2019. The petitioner was arrested by police from his house on 28.08.2019 and he was illegally detained in police custody since 28.08.2019 to 31.08.2019. The learned counsel further submitted that the petitioner's mother Nitu Devi had filed a petition on 30.08.2019 to S.P.Vaishali regarding illegal arrest and detention of the petitioner. The petitioner's signature was obtained on plain paper under threatened and coercion and the same was converted into seizure list.

The learned APP for the State has vehemently opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the CJM Vaishali at Hajipur, in connection with Goraul P. S. Case No. 314 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the



petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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