

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20035 of 2021

Arising Out of PS. Case No.-383 Year-2020 Thana- MOTIHARI TOWN District- East
Champaran

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NITESH KUMAR Son of Jasi Lal Sah Resident of Village- Baliya Purvi,
P.S.- Deoria, District- Muzaffarpur, at present residing at Mohalla- Balisarai
(Chauri), P.S.- Town (Nagar), Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan
Mr.Shakti Suman Kumar
For the Opposite Party/s : Mr.Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceeding. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner seeks bail in connection with Motihari
Town P.S. Case No.383 of 2020, registered for the offence
punishable under Sections 399, 402 of the Indian Penal Code
and section 25 (1-b), 26, 35 of the Arms Act.

The prosecution case in short is that four persons



including the petitioner were apprehended from Zila School stadium, Motihari while they were planning to commit an offence. On search, several incriminating articles have been recovered from the possession of the accused persons and from the possession of petitioner, a fighter (Baghnakha) and mobile of Intel Co. was recovered.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case and the total story of this case is false, absurd and concocted. No incriminating article has been recovered from the conscious physical possession of the petitioner. Admittedly, no fire arm was recovered from the possession of the petitioner. It was alleged that one fighter (baghnakha) made of iron was recovered from the possession of the petitioner. The said fighter is actually known as knuckles and the same cannot be categorized as weapon. The petitioner has no criminal antecedent and has been languishing in custody since 07.07.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Motihari Town P.S. Case No.383 of 2020.

(Anjani Kumar Sharan, J)

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