

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33989 of 2021**

Arising Out of PS. Case No.-191 Year-2020 Thana- PIPRA District- East Champaran

NITESH KUMAR PANDEY S/O BRAJESH PANDEY R/o village-
Mahmudnagar, P.S.- Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 21-12-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

A supplementary affidavit has been filed on behalf
of the petitioner carrying out necessary correction in the
main application, which forms part of this application.

The petitioner seeks bail in connection with Pipra
P.S. Case No. 191 of 2020 registered for the offence under
Sections 399, 402, 413 and 414 of the Indian Penal Code and
Section 25(1-b)a, and 26 of the Arms Act.

One live cartridge and mobile phone are said to
have been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been



implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner. Although, the alleged recovery is said to have been made from the possession of the petitioner, but, no offence has been committed by the petitioner, which clearly manifest from the F.I.R itself. The petitioner has sufficiently been punished for the alleged recovery as he is rotting in judicial custody since 08.06.2020 i.e. more than one and half years.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 learned Chief Judicial Magistrate, East Champaran at Moithari in connection with Pipra P.S. Case No. 191 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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