

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35790 of 2020

Arising Out of PS. Case No.-371 Year-2020 Thana- SAHARSA District- Saharsa

Nitish Kumar, aged about 23 years, Male, Son of Arvind Yadav Resident of Village- Bathara, Ward No. 25, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

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

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 25-01-2021 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking bail in connection with Saharsa Sadar P.S. Case No. 371 of 2020 registered for offences under sections 414, 399, 402, 120B of the Indian Penal Code read with Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per allegation made in the First Information Report, the police received a secret information that some criminals are preparing for committing dacoity whereafter the police came into action and apprehended two persons including the petitioner as is apparently clear from the impugned order passed by the court below whereas learned counsel for the petitioner submits that it is an error of record as the petitioner



was arrested from his house but, this fact does not reflect from the statement made by the petitioner in this bail petition.

Learned counsel for the petitioner submits that nothing has been recovered from the petitioner and has wrongly been implicated in the present case.

The petitioner is languishing in judicial custody since 2.5.2020.

Looking to the entire facts and circumstances of the case as also considering the period of custody, 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 learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 371 of 2020, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the petitioner will



report to the Saharsa Sadar police station by 7th of every month for at least six months and in case of failure without any valid rhyme or reason, the bail of the petitioner will be treated to have been canceled.

(Shivaji Pandey, J)

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