

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2432 of 2021

Arising Out of PS. Case No.-49 Year-2016 Thana- PURNAHYA District- Sheohar

NIKESH DUBEY S/O- Bijay Ddhivedi @ Vijay Kumar Duvedi Resident of
Village - Madhopur Korigawa, P.S. - Chakiya, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate

For the Opposite Party/s : Mr.Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-03-2021 Heard learned counsel for the petitioners 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 Puranhiya P.S. Case No.49 of 2016, registered for the offence punishable under Sections 25(1-B) A, 25(1-A), 26(2), 35 of arms act.

As per the prosecution case, murder had been committed for extortion of money in a case and the accused namely Mukesh Pathak in that case has taken the name of petitioner for involvement in this case. On the basis of confessional statement



police raided in the house of this petitioner and arrested him from his house.

It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has not committed any crime nor is named in the FIR rather his name transpired in this case on the basis of confessional statement of co-accused. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner is languishing in custody since 18.05.2018 and seven criminal cases have been lodged against him as mentioned in para-3 of the bail petition. Learned counsel further submits that charge is framed against the petitioner.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, 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 court below in connection with Puranhiya P.S. Case No.49 of 2016, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his



wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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