

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2379 of 2022

Arising Out of PS. Case No.-460 Year-2021 Thana- BRAHMPUR District- Buxar

Nitesh Kumar Pandey @ Nikki Pandey Son Of Sanjay Kumar Pandey R/O
Village- Shahpur, P.O.- Shahpur Patti, P.S.- Shahpur, District- Bhojpur At Ara,
Pin Code- 802165 (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 414 of the Indian Penal Code and Section 25(1-B)a/26/35 of the Arms Act.

As per prosecution case, in brief, is that the informant along with other police personnel on 25.08.2021 at 09:10 A.M. were proceeded for special drive and checking in their local jurisdiction and received a secret information that two persons were coming from Jabahi Diyar on a motorcycle and they possessed an illegal country made rifle. On receiving the



information, when they reached near Hanuman Mandir situated at Koilwar Bandh Chakki road they saw that two persons were coming from east side on motorcycle and on seeing the police party they tried to escape from there but with the help of villager they were arrested by them and the person who driving the motorcycle told his name Vijay Kumar Rai @ Ajay and the other accused Nitesh Kumar @ Nikki Pandey who possessed the country made rifle with Magazine in which a live cartridge of 315 bore loaded.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list one country made rifle with loaded magazine has been recovered from the possession of the petitioner. He further submits that co-accused Vijay Kumar Rai has been granted bail by the learned court below itself and the police after investigation submitted chargesheet against the petitioner on 21.10.2021 and the petitioner is in custody since 26.08.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Brahampur (ChakKi O.P.) P.S. Case No. 460 of 2021, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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)

Ibrar//-

U		T	
---	--	---	--

