

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4383 of 2022**

Arising Out of PS. Case No.-160 Year-2021 Thana- UCHKAGAON District- Gopalganj

Nitish Kumar @ Nehal @ Nitesh Kumar, aged about 22 years, Male Son of Ramashish Sah Resident of Village - Amtha Bhuwan, P.S. - Uchkagaon, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      08-06-2022      Heard learned counsel for the petitioner and learned APP for the State.

Let the defect(s), if any, as pointed out by the office be removed within a period of four weeks from today.

Learned counsel for the petitioner is directed to correct the period of custody during the course of the day.

The petitioner seeks bail in connection with Uchkagaon P.S. Case No. 160 of 2021 registered for the offences punishable under Sections 399,402,414/34 of the Indian Penal Code and Sections 25(1-B) (a) 26 and 35 of the Arms Act.

The prosecution case is that the petitioner was apprehended with a loaded country made pistol along with



mobile phone and a number of sim cards.

It has been submitted by learned counsel for the petitioner that the petitioner is innocent and no recovery has been made from the person or possession and only due to criminal antecedent, the petitioner has been made accused in this case as well. Similarly situated accused persons have been allowed the privilege of bail by co-ordinate Benches of this Court. The petitioner is in custody since 21.06.2021. The petitioner is on bail in two out of six cases instituted against him but all the cases are of the year 2021.

Learned APP has opposed the prayer for bail and submits that the petitioner has a long criminal history and is a habitual offender. The recovery of firearms and mobile phone has been made from the possession of the petitioner.

Having considered the submissions made hereinabove and considering the fact that the cases against the petitioner are the same origin and the petitioner is in custody for about a year, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Gopalganj in connection with Uchkagaon P.S. Case No. 160 of 2021, subject to the following conditions:



(i) One of the bailors will be a close relative of the petitioner, preferably one of his parents.

(ii) The petitioner will remain present on each and every date fixed by the court below and not delay the trial. In case of absence for three consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the Court concerned.

(iii) If the petitioner is found involved in offences of such nature, the prosecution is at liberty to move for cancellation of his bail bond.

(iv) The bail bond shall be accepted only after framing of charge.

**(Arun Kumar Jha, J)**

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