

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6578 of 2022**

Arising Out of PS. Case No.-371 Year-2021 Thana- HILSA District- Nalanda

Nitish Yadav aged about 29 years (Male) son Of Ravinder Singh, resident of  
Village- Malpur, Police Station- Khusrupur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prashant Kashyap, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      03-08-2022                      Heard Mr. Prashant Kashyap, learned counsel  
appearing on behalf of the petitioner and Mr. Ajit Kumar,  
learned APP for the State.

Petitioner, who is in custody since 09.08.2021, seeks  
regular bail in connection with Hilsa P.S. Case No. 371 of 2021  
dated 09.08.2021 registered for offences punishable under  
Sections 25 (1-b) a/26 of the Arms Act.

The allegation is of recovery of five live cartridges  
and one country-made pistol from the possession of the  
petitioner.

Learned counsel appearing on behalf of the petitioner  
submits that petitioner is innocent and has falsely been  
implicated in the present case. Petitioner is in custody since  
09.08.2021. The petitioner has brought on record by way of



filing supplementary affidavit that he is suffering from several diseases and recently he had undergone treatment at Vardhman Institute of Medical Sciences, Pawapuri, Nalanda, Bihar, which is a government hospital by the jail authorities. It is stated in paragraph no. 4 of the supplementary affidavit that the doctor has opined that petitioner requires treatment in a super-specialty hospital to check the bleeding especially due to severe chest infection. The alternative prayer of the petitioner is that even considering the period of custody and nature of allegation, the petitioner deserves to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having heard the rival submissions of the parties and having taken note of the allegations made in the FIR as well as the period of custody undergone as also the serious health condition of the petitioner, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1<sup>st</sup> Hilsa in connection with Hilsa P.S. Case No. 371 of 2021 dated 09.08.2021 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

**(Purnendu Singh, J)**

Niraj/-

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