

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8918 of 2022

Arising Out of PS. Case No.-68 Year-2021 Thana- DEEPNAGAR District- Nalanda

Nitish Kumar @ Suraj S/o Lala Prasad R/o village- Olipur (Oli Bigha), P.S.-
Chandi, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 27-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioner seeks regular bail in connection with
Deepnagar P.S. Case No. 68 of 2021 instituted for the offences
punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.03.2021, charge-sheet has been
submitted in the case and has antecedent of two cases.

The prosecution case, in short, is that during the
course of vehicle checking, two persons on Pulsar 220
motorcycle bearing Registration No. BR-21V-5326 were
stopped by the informant. On seeing police, they tried to fled



away and on chase they were apprehended and disclosed their names Vivek Kumar @ Niraj Kumar and Nitish Kumar @ Suraj (petitioner). On search, police had recovered one loaded country made pistol from the possession of the petitioner namely, Nitish Kumar @ Suraj and two live cartridges were recovered from the possession of Vivek Kumar @ Niraj Kumar (co-accused).

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is further submitted that petitioner is in custody since 04.03.2021.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 04.03.2021 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Biharsharif, Nalanda, in connection with Deepnagar P.S. Case No. 68 of 2021, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

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

(Khatim Reza, J)

Gaurav Kumar/-

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