

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9505 of 2022**

Arising Out of PS. Case No.-191 Year-2021 Thana- BENIPATTI District- Madhubani

Nikesh Kumar Jha @ Nikesh Jha, S/o Babuvan @ Babuwan Jha @ Sutai Jha,
R/o village- Baliya, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

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

3 14-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Benipatti P.S. Case No. 191 of 2021 registered for the alleged offences under Sections 399, 402, 413, 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, a checking was started on getting information about four miscreants riding on two motorcycles making plan for commission of some big crime. The two motorcycles were intercepted but three miscreants fled away from the spot and only one miscreant was apprehended who is the petitioner of this case. From the possession of this petitioner a loaded country made pistol with five live cartridges



were recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics. No pistol or cartridges were recovered from the possession of this petitioner and the said recovery is planted one. The petitioner is in custody since 01.09.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in a number of cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Benipatti, Madhubani in connection with Benipatti P.S. Case No. 191 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

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

