

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19207 of 2021

Arising Out of PS. Case No.-850 Year-2019 Thana- KANTI District- Muzaffarpur

NITISH RAJ @ NITESH RAJ @ VICKY SON OF SRI AKILESHWAR RAI
@ AKHILESHWAR RAY RESIDENT OF VILLAGE- SIMARA, P.S.-
PAROO, DISTRICT- MUZAFFARPUR, AT PRESENT RAHUL NAGAR,
NEAR INDANE GAS AGENCY, P.S. BRAHMPURA, DISTRICT-
MUZAFFARPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate
Mr. Manish Kumar No 13, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 20-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 18.11.2019,
seeks regular bail in connection with Kanti P.S. Case No. 850 of
2019, for the offence punishable under Sections 399 and 402 of
the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the
Arms Act.

The prosecution case, in brief, is that in course of
search, country made pistol along with live cartridges of .315
bore were recovered from the possession of the accused persons,



named in the F.I.R., including the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner has already remained in custody since 18.11.2019 and there is no allegation of tampering with the evidence or influencing the witness as well as there is no legal evidence or cogent material available on the record to connect the petitioner to the alleged offence, in question. He further submits that the search was not made in presence of independent witnesses. He further submits that after investigation, the Chargesheet has already been submitted against the petitioner.

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

Considering the aforementioned facts and circumstances of the case and looking into the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. West Muzaffarpur in connection with Kanti P.S. Case No. 850 of 2019 (G.R. No. 3860 of 2019), subject to the condition that the petitioner will



appear before the S.H.O. of the concerned Police Station daily at 9.00 A.M and the S.H.O is required to send attendance of the petitioner, on monthly basis, to the Superintendent of Police, Muzaffarpur till conclusion of the trial, if there is even a single day default, the bail bonds of the petitioner shall, automatically, be cancelled as well as subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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