

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17815 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- BALIYA District- Begusarai

NITISH KUMAR S/o Umesh Yadav Resident of Village - Tulsi Tol, P.S. -
Ballia, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 399, 402, 411 and 413 of the
Indian Penal Code and Section 25 (1-b) a, 26 and 35 of the
Arms Act.

Recovery is of illicit arms and ammunition along
with live cartridge.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case merely
on the basis of suspicion. He further submits that it appears
from the seizure list, one live cartridge has been recovered



from the possession of the petitioner but in fact nothing has been recovered from the conscious possession of the petitioner rather the police has planted the story and shown the recovery from the possession of the petitioner. The petitioner has no concern at all with the alleged recovery. He further submits that the police after investigation submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.11.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ballia P.S. Case No. 363 of 2021 with 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled



by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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