

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14275 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- TEGHRHA District- Begusarai

NITESH NAYAN @ MURLA SON OF NAVIN KUMAR JHA RESIDENT
OF AMJADPUR PIDAULI, POLICE STATION- TEGHRA, DISTRICT-
BEGUSARAI

... .. 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. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 01.10.2021, seeks
regular bail in connection with Teghra P.S. Case No. 295 of
2021 registered for offences punishable under Sections 25(1-
b)a, 26 of the Arms Act.

As per the allegation made in the FIR, one country-
made pistol and one live cartridge were recovered from the
possession of the petitioner. Accordingly, seizure list was
prepared.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been



implicated in the present case. No recovery of arms and ammunition was made from the possession of the petitioner. Petitioner has remained in custody since 01.10.2021 on mere suspicion. There is no chance of absconding or tampering and hence 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.

Taking into consideration the nature of allegation made in the FIR, there being no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded in near future, without going into the merits of the case, the petitioner, who is in custody since 01.10.2021, 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 Judicial Magistrate-1st Class, Begusarai in connection with Teghra P.S. Case No. 295 of 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.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(vi) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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