

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20678 of 2022

Arising Out of PS. Case No.-294 Year-2020 Thana- BARH District- Patna

NITISH KUMAR @ BAUDHU YADAV, Son of Ramashray Prasad @
Ramashray Yadav Resident of Village - Purani Barh, P.S.- Barh, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Barh
P.S. Case No. 294 of 2020, registered for the offences
punishable under Sections 25 (1-b)a, 26 and 35 of the Arms
Act.

As per allegation, on a secret information that
some miscreants had gathered near a gas godown, the
police party conducted a raid and arrested three persons,
from whom some incriminating articles were recovered.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case. He also submits that the maximum prescribed punishment for the alleged offence is 7 years and the petitioner has been languishing in custody since 09.08.2020 i.e. for about 2 years. He further submits that search and seizure has not been made as per rule as provided by Cr.P.C. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the police arrested him only on the suspicion.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that earlier the petitioner has been made accused in one more case, namely, Barh P.S. Case No. 292 of 2020.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the learned A.C.J.M.- 1st, Barh, Patna, in connection with Barh P.S. Case No. 294 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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