

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20719 of 2022

Arising Out of PS. Case No.-294 Year-2021 Thana- TEGHRHA District- Begusarai

NITESH KUMAR @ MURLA, S/o Naveen Kumar @ Naveen Kumar Jha
R/o Village- Amzadpur Pithauli, P.S.- Teghra, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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 Teghra
P.S. Case No. 294 of 2021, registered for the offences
punishable under Sections 399, 402 and 414 of the I.P.C.
and Sections 25 (1-a)/25, (1-b) and 26/35 of the Arms Act.

As per allegation, on a secret information that
some miscreants, having armed with weapons, have
assembled at the house of one Suman Rai, the police
conducted a raid and apprehended four persons at the spot.
One person managed to flee away from the alleged place of
occurrence. Some incriminating articles were also recovered



from the possession of the apprehended accused persons.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that he has not been arrested at the alleged place of occurrence and his name has emerged only from the confessional statement of co-accused. He further submits that nothing has been recovered from the conscious possession of the petitioner.

The petitioner is languishing in jail since 29.10.2021.

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 two other cases, namely, Teghra P.S. Case No. 291 of 2018 and Teghra P.S. Case No. 295 of 2021.

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 Smt. Neha Kumari Bhalotia, Judicial Magistrate-1st Class, Begusarai in connection with Teghra P.S. Case No. 294 of 2021 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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