

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21155 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- MOKAMAH District- Patna

Nitish Kumar @ Nigra Son of Gajadhar Bind Resident of Village - Barahpur
Bind Toli, Ward No. 5, P.S. Mokama, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Manoj Kumar Pandey, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Mokama P. S. Case No. 218 of 2021
registered for the offences punishable under Sections 414 of the
Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms
Act.

As per the prosecution case, it is alleged that the
Police, on a secret information that some miscreants have



assembled to commit some crime, raided the place, in question and apprehended the petitioner and other accused persons. It is further submitted that on search being made one loaded country-made pistol and a motorcycle have been recovered from the possession of this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the physical possession of the petitioner and the same has been recovered from other place but it has been shown to be recovered from the possession of this petitioner. It is next submitted that as far the recovered motorcycle is concerned, the same is not a stolen article rather one Sanju Devi, is a bona fide owner of the said vehicle and she has filed an application for release of the same. It is next submitted that this petitioner has absolutely clean antecedent however, on account of error of record in the impugned order, criminal antecedent has been shown against him. It is lastly submitted that there is other irregularities in preparation of the seizure list and moreover, this petitioner is in custody since 08.08.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended by the Police and from his possession one loaded



country-made pistol and one motorcycle have been recovered.

Having considered the submissions made on behalf of the parties and taking into account the fact that the motorcycle, in question, has been recovered from the joint possession of the co-accused persons, which later on, have been found in the name of one Sanju Devi and the same is not a stolen article and moreover, this petitioner is in custody since 08.08.2021, though after completion of the investigation, the charge-sheet has been submitted and as such, keeping the petitioner behind the bar would serve no further purpose, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Barh, Patna in connection with Mokama P. S. Case No. 218 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

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(Harish Kumar, J)

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