

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26072 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- GWALPARA District- Madhepura

NITISH KUMAR SON OF BHUTAN RISHIDEO R/O VILLAGE- JAIRAM
PERSI WARD NO.-1, P.S.- GWALPARA , DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Gwalpara P.S. Case No. 3 of 2022 under Sections 25(1-B)a, and
26 of the Arms Act.

The allegation in the FIR is that the police during
patrolling reached the place where the people were warming
themselves around the fire. As some accused persons tried to
escape, they were apprehended, one of them is the petitioner
herein. Upon search, it is alleged that one countrymade pistol
with a live cartridge was recovered/seized from his waist. As he



failed to provide any document, he was arrested.

Learned counsel for the petitioner submits that he was there to warm himself around the fire and the police just to implicate him has put the revolver and a live cartridge theory despite the fact that he has no criminal antecedent and since then is in jail

Taking into account the aforesaid facts as also that the petitioner is in custody since 06.01.2022 (as stated in paragraph-7 of the bail application) and the charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Gwalpara P.S. Case No. 3 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of



bail by the Trial Court itself;

(iii) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

