

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29742 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- DANDARI District- Begusarai

NAKUL KUMAR Son of Suresh Prasad Singh Resident of Village-Haripur,
P.S.-Alouli, Distt.-Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dandari
P.S. Case No. 79 of 2021 registered for the offence under
Sections 399, 402 and 34 of the Indian Penal Code and Section
25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.08.2021

The allegation against the petitioner is to involved in
preparation of dacoity along with other co-accused persons and
while preparing so, found in possession of one country made
pistol along with 07 live cartridges.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged firearms were not made from conscious physical possession of the petitioner. It is also pointed out that the witness of seizure list appears police personnels, not independent witnesses, which makes it doubtful. It is further submitted that nothing surfaced/recovered, during course of investigation, which may suggest that the gathering of this petitioner along with other co-accused persons, was in connection with preparation as regard to dacoity and just to aggravate the matter, the present false allegation was made. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as, petitioner is in custody since 30.08.2021, having clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dandari P.S.



Case No. 79 of 2021 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned Additional Sessions Judge, 9th
Begusarai/concerned court, subject to the following conditions:

“(i)That petitioner shall not
involve in the similar nature of offence till
the conclusion of trial, failing which, the
State shall be at liberty to move before the
Trial Court itself for the cancellation of bail
bond of the petitioner.

(ii) Accused/Petitioner shall
cooperate in the trial and shall be physically
present on each and every date before the
Trial Court till conclusion of the trial and
exemption from physical appearance be
allowed by the Trial Court, only on medical
ground of the petitioner duly supported by
the documents.

(iii) That one of the bailors of the
petitioner shall be deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

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