

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29621 of 2022

Arising Out of PS. Case No.-854 Year-2021 Thana- BIHAR District- Nalanda

Nitish Kumar, Son of Krishna Bhagavan, Resident of Village - Khairabad,
P.S.- Bihar, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bihar P.S. Case No. 854 of 2021 registered for the alleged offences under Sections 25(1-b)a/26/35 of the Arms Act.

As per the prosecution case, police received secret information about co-accused, who was wanted in some other case, being present at his house. A raid was conducted and the petitioner was found escaping from the house of the co-accused. He was apprehended and from his possession, a loaded country



made pistol and one live cartridge were recovered.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and allegations against him are false and fabricated. Nothing incriminating has been recovered from his conscious possession and a concocted story has been made by the police. The petitioner is in custody since 19.12.2021 and charge-sheet has been submitted in this case. The petitioner has got no criminal antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner was apprehended with a loaded country made pistol and a live cartridge in his possession.

Having regard to the submissions made on behalf of the parties and considering the period of his custody and the submission of charge-sheet along with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 854 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



(i) One of the bailors will be Ravichandra Yadav, *sardhu* of the petitioner, who has sworn the affidavit in this case.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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