

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31676 of 2022

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

NIKESH KUMAR @ DHINDHA Son of Late Raj Kishor Chaudhary alias
Late Bodhan Chaudhary Resident of Village-Ragunandanpur, Ward No.-08,
P.S.-Teghra (Tiayay O.P.), District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Upendra Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-07-2022 Learned counsel for the petitioner is permitted to

make necessary correction in the first paragraph of the

petition during the course of the day.

Permission is accorded.

Let it be done.

Heard the learned counsel for the petitioner and

the 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 Indian

Penal Code and under Sections 25 (1-AA), 25(1-b)a, 26 and

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 submits that no independent witness has come forward to support the prosecution case. He further submits that the petitioner has clean antecedent and the alleged recovered motorcycle belongs to the petitioner himself. He also submits that the petitioner is in custody for about 10 months since 30.09.2021. He further submits that charge-sheet in this case has already been submitted.

It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioner either before this Court or before the Apex Court.

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 learned Shri S. Chaitnya, the learned 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 any criminal antecedent, 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)

uttam/-

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

