

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36498 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- PANCHRUKHI District- Siwan

NITESH PANDIT @ NITESH PRAJAPATI SON OF SURESH PANDIT
R/O- VILL- BADRAM TOLA TARIYA, P.S.- HUSSAINGANJ, DIST.-
SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Mishra, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Pachrukhi P.S. Case No. 55 of 2022 for the offences under
Sections 399, 402 and 120(B) of the Indian Penal Code and
section 25(1-b)a, 26, 27 and 35 of the Arms Act.

As per the prosecution story, the police upon
information reached the spot, they found two damaged
motorcycles and the accused persons who were armed upon
seeing the police succeeded in escaping. However, police after
chasing apprehended two persons and the petitioner was one of



them. From the search of waist of the petitioner, foreign U.S.A. made pistol along with live cartridges were recovered/seized. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he has suffered a lot by being in custody since 03.03.2022 (as stated in paragraph-15 of the bail application).

Taking into account the fact that he is in custody since 03.03.2022, charge sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him privilege of bail after framing of charge in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Siwan in connection with Pachrukhi P.S. Case NO. 55 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) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) 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/Neha-

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