

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41907 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

Nikhil Kumar Son of Om Prakash Resident of village- Purandarpur, P.S.-
Ekangarsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Laheri
P.S. Case No. 79 of 2022 registered for the offences punishable
under Sections 399, 402 and 414 of the Indian Penal Code and
Sections 25 (1-B)a, 26 and 35 of the Arms Act.

As per the prosecution, the informant along with other
police personnel acting upon a secret information raided the
alleged place of occurrence and apprehended the accused
persons and upon asking they disclosed the name of this
petitioner and one co-accused who had fled away from the



alleged place.

The main submissions advanced by the learned counsel Mr. Rajeev Kumar appearing for the petitioner are that the petitioner was arrested from his house by the police and made a scapegoat in this case and from his possession no fire-arm was recovered and as per the prosecution one Scooty vehicle which was alleged to be a looted vehicle, was recovered from the house of this petitioner and the house of the petitioner is a joint property and co-accused Avinash Kumar from whose possession a motorcycle was allegedly recovered has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 24163 of 2022 and the petitioner has been languishing in jail since 14th February, 2022.

Learned APP Mr. Satyendra Narayan Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the seizure list. The petitioner has been languishing in jail since 14th February, 2022 and as per the seizure list only a scooty vehicle was alleged to have been recovered from the possession of this petitioner and one similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court. Considering these facts and mainly taking into account the petitioner's



custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Laheri P.S. Case No. 79 of 2022, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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