

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55924 of 2021

Arising Out of PS. Case No.-194 Year-2020 Thana- GOPALPUR District- West Champaran

Nitesh Kumar, Son of Sri Munna Prasad Patel, Resident of Village-
Sukhalahi, P.S. Mainatand District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Gopalpur P.S. Case No. 194 of 2020 registered
for the offences punishable under Sections 399, 402, 412 of the
Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.
He is in custody since 30.11.2020. The petitioner has got five
criminal antecedents on his head.

As per the prosecution story, while the informant was
on patrolling duty noticed some persons assembled and on
seeing the police they started escaping, out of them three were



apprehended and others managed to escape. On search, a loaded country-made pistol from the waist of Jahangir Alam and from his full-pant one mobile with one live cartridge were also recovered. From possession of apprehended accused Islam Ansari and the petitioner, mobiles were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that co-accused Jahangir Ansari @ Jahangir Alam from whose possession a loaded country-made pistol and one cartridge have been recovered has been granted bail vide Cr. Misc. 27170 of 2021 and another co-accused Islam Ansari from whose possession mobile is said to have been recovered has been granted bail by Cr. Misc. No. 27250 of 2021. Petitioner is in custody since 30.11.2020.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that only a mobile has been recovered from the possession of the petitioner and the co-accused Islam Ansari from whose possession mobiles were recovered has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 27250 of 2021, the petitioner has



remained in custody in connection with this case since 30.11.2020, investigation against him is complete and the trial is not likely to be concluded in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Gopalpur P.S. Case No. 194 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

