

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44811 of 2022**

Arising Out of PS. Case No.-122 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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ANIKET KUMAR @ CHHOTU @ CHHOTU KUMAR SON OF SUNIL
KUMAR @ SUNIL SINGH RESIDENT OF VILLAGE- PAHSARA, P.S.-
NAWKOTHI, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Khurshid Anwar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 05-12-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Nawkothe P.S. Case No. 122 of 2021 registered for the offences

punishable under Sections 399, 402, 414 of the Indian Penal

Code and 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, there is alleged recovery

of one automatic pistol along with two live cartridge from the

bolero vehicle in question. It is further alleged that petitioner

alongwith other co-accused persons were seated in the said

bolero vehicle and apprehended on spot.



Learned counsel for the petitioner submits that petitioner is in custody since 28.08.2021. Petitioner bears five criminal antecedents. Learned counsel further submits that petitioner is innocent and has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submits that co-accused Shubham Kumar, from whose possession two mobile phones have been recovered, has already been granted bail vide Cr. Misc. No. 11882 of 2022 by this court and the case of present petitioner stands on better footing as nothing has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, co-accused has already been granted bail, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Begusarai in connection with Nawkothe P.S. Case



No. 122 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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