

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49253 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- MOKAMAH District- Patna

Nitish Kumar (M), aged about 28 years, Son of Lalan Bind @ Lalit Bind @
Lalan Mahto R/V- Sultanpur, Bind Toli, PS- Mokama, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arjun Prasad, Adv.

For the State : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 This matter has been taken up today for consideration
through video conferencing.

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

The petitioner seeks bail in connection with *Mokama PS*
Case No. 272 of 2021, registered for the offence punishable
under Sections 25(1-b)a/26/35 of the Arms Act.

One country made pistol, one live cartridge and one
mobile phone has fallen on the road when three persons, who
were riding on a motorcycle, have fallen from the motorcycle.

Learned counsel for the petitioner submits that petitioner
has been identified as being one amongst these three persons by
the local villagers leading to his arrest on 24-05-2022 whereas
the FIR has been lodged on 17-09-2021. It is submitted that



there is no basis for the petitioner's identification. The petitioner has no antecedents and even as per the prosecution case, there is no specific allegation of recovery of any incriminating article from the petitioner. The case is based only on suspicion.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 learned *ACJM II, Barh*, in connection with *Mokama PS Case No. 272 of 2021*, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office .

(Madhuresh Prasad, J)

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