

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51760 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- HASANPUR District- Samastipur

Nitish Kumar S/O Arun Yadav Resident of Village- Sihma, P.S.- Bithan,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Jitendra Narain Sinha, learned counsel for
the petitioner and learned Additional Public Prosecutor for the
State through video conferencing.

Petitioner seeks bail in a case registered in connection
with Hasanpur P.S Case No. 48 of 2022 for the offences
punishable under Sections 399 and 402 of the Indian Penal
Code and sections 25(1-b)a, 26/35 of the Arms Act.

As per the prosecution case, it is alleged that the
police on a secret information raided the place of occurrence
where some criminals were found assembled for the purposes of
committing some crime. In course of raid, the petitioner and
others were apprehended and on search two live cartridges were
recovered from person or possession of the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that in fact nothing has been recovered from person or possession of the petitioner, however, only with a view to implicate the petitioner, the recovery of two live cartridges have been shown in the seizure list which makes out no sense, as live cartridges without any weapon is of no use. He further submits that in fact on account of past criminal antecedent, the name of the petitioner has been implicated in this case and save and except the past criminal antecedent, there is nothing against the petitioner. He next submits that now the investigation of the crime is already complete and the charge sheet has been submitted much earlier though the petitioner is in custody since 26.02.2022.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that petitioner is found involved in four other cases.

Regard being had to the submissions made on behalf of the parties and considering the fact that two cartridges have been recovered from possession of the petitioner and he is in custody since 26.02.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- II, Rosera,



Samastipur in connection with Hasanpur P.S Case no. 48 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 step for cancelling 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.

(Harish Kumar, J)

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