

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54033 of 2022**

Arising Out of PS. Case No.-155 Year-2022 Thana- BARHIYA District- Lakhisarai

Nitish Thakur Son Of Mukesh Thakur R/O Village- Laldiyara, P.S.- Pipariya,
District- Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
from today.

Heard learned counsel for the petitioner and Ms.
Shaheen Begum, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Barahiya P.S. Case No. 155 of 2022 registered
for the offences punishable under Section 25(1-b)/a/26/35 of the
Arms Act. He is in custody since 13.07.2022. The petitioner has
got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant who is the Police Sub-
Inspector got secret information that Ganja smuggler Raushan
Singh is present at this brick-kiln with his associates. The



informant reached at the given place and apprehended three persons including the petitioner. The informant recovered one country made loaded pistol and seven live cartridges from apprehended accused Raushan Singh and four live cartridges from apprehended accused Rajiv Kumar. The petitioner was also apprehended there but no incriminating article has been recovered from his possession.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating article has been recovered from his possession. The petitioner has been apprehended only on the allegation that he was helping the other apprehended accused persons.

Ms. Shaheen Begum, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein there is no recovery of any arm from the possession of this petitioner and he has no criminal antecedent, he has already remained in custody since 13.07.2022, 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, Lakhisarai in connection with Barahiya P.S. Case No. 155 of 2022, 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/-

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