

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64218 of 2021

Arising Out of PS. Case No.-471 Year-2020 Thana- BARH District- Patna

NITISH KUMAR @ BAJRANGI Son of Sanjay Singh Resident of Village -
Barahiya Ward No.- 12, P.S.- Barahiya, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Suman, Adv

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offence punishable under Section 414 of the Indian Penal Code, 20/22 of the NDPS Act and Section 25(1-b)a/26/35 of the Arms Act.

According to prosecution case, the informant got secret information that some miscreants assembled in the market of co-accused Rajnish Kumar @ Bagar Billa with a view to commit crime and doing business of Ganja. He proceeded toward the place of occurrence and apprehended the accused



persons and recovered 3 kgs. of Ganja including a country made pistol from their possession.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one country made pistol and two live cartridges have been recovered from possession of the petitioner and around 03 Kgs of Ganja is said to have been recovered from the place of occurrence. He further submits that the recovered Ganja is less than the commercial quantity and Section 37 of the N.D.P.S. Act has not come on the way to enlarge the petitioner on bail. He further submits that apart from that one pistol and two live cartridges have been recovered and the similarly situated co-accused, namely, Prince Kumar @ Pandey Jee has been granted bail vide order dated 14.12.2021 in Cr. Misc. No.39921 of 2021 by a Coordinate Bench of this Hon'ble Court and another co-accused, namely, Rajnish Kumar @ Bagar Billa has also been granted bail vide order dated 14.02.2022 in Cr. Misc. No. 32925 of 2021 by this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 26.12.2020.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioner and submits that the petitioner carries seven more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousands) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Spl. Case No.176 of 2020 arising out of Barh P.S. Case No. 471 of 2020, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

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 step 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.

(Rajesh Kumar Verma, J)

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