

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65041 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- GWALPARA District- Madhepura

NIKESH KUMAR @ NIKKU Son of Chandr @ Charan Yadav @ Chander
Yadev Resident of Village - Kalhotha, P.S.- Gwalpara, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-05-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 399 and 402 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

As per the prosecution case, on information having been received that the accused persons had gathered and were planning to give effect to an occurrence, it is stated that a raid was conducted. While two accused persons, namely, Raman Yadav and Inkesh Kumar were caught and arms and ammunitions recovered from their possession, four accused persons managed to escape. The accused persons who were caught disclosed the petitioner to be amongst the accused who



had escaped.

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any incriminating article recovered from his possession. He has been falsely implicated in the case because of his antecedent. He is in custody since 7.4.2021 and chargesheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner not having been arrested at the spot together with the petitioner having remained in custody for over 1 year, the petitioner is directed to be enlarged on bail in connection with Gwalpara P.S. Case no. 67 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Udakishunganj, District Madhepura.

(Partha Sarthy, J)

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