

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.65966 of 2021**

Arising Out of PS. Case No.-70 Year-2021 Thana- SHANKARPUR District-  
Madhepura

=====

NITISH KUMAR Son of Madan Yadav Resident of Village- Gidrahi, P.S.-  
Kumarkhand (Belari O.P.), District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner : Mr. Abhay Shankar Singh, Advocate

For the State : Mr. Mukeshwar Dayal, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**

ORAL ORDER

2      22-04-2022

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 in virtual court proceedings.

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-b) a/26/35 of the Arms Act.

As per prosecution case, in brief, the informant along with police party on 31.05.2021 at about 2:30 hours raided the house of Mankhush Yadav and after seeing three miscreants began to flee away but they were apprehended by the police and disclosed their name as Guddu Yadav, Nitish Kumar and Alok Kumar. On search, one loaded country made pistol and 4 live cartridges of 7.65 bore was recovered from accused Guddu Yadav,



and one loaded country made pistol and 3 live cartridges of .315 bore was recovered from accused Nitish Kumar and also one live cartridges of .315 bore and two mobiles were recovered from accused Alok Kumar but they could not produce any document regarding the recovered arms and cartridges.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list one country made pistol and three live cartridges have been recovered from the possession of the petitioner. Further submits that in fact nothing has been recovered from the conscious possession of the petitioner rather there is no independent witness belonging to the place of occurrence to claim the recovery of any firearm from the possession of the petitioner. He further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.06.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending in connection with Shankarpur P.S. Case No. 70 of 2021, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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)**

Ibrar//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

