

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11586 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- SHASTRINAGAR District- Patna

Nikhil Kumar @ Happy @ Umakant Kumar S/O Ram Prakash Sharma @
Raju Singh R/c- Kab, P.S.- Ranitalab, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
27.06.2022 in connection with Shastrinagar P.S. Case No. 366
of 2022, F.I.R. dated 25.06.2022 for the offences punishable
under Sections 25(1-b)a, 25(1)(AB) and 35 of the Arms Act.

Recovery is of one lighter pistol and 5 live cartridges.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that from perusal of the F.I.R. as well as seizure
list it appears that one lighter pistol and 5 live cartridges have



been recovered from the possession of the petitioner. He further submits that there is non-compliance of Section 100 Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Rajnish Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.02.2023 passed in Cr. Misc. No. 65110 of 2022 and another co-accused, namely, Gautam Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.04.2023 passed in Cr. Misc. No. 13766 of 2023. The petitioner is in custody since 27.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 4 criminal antecedents other than the present one but fairly submits that out of 4 cases, petitioner is on bail in one case and he is not remanded in 3 cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IX, Patna in connection with Shastrinagar P.S. Case No. 366 of 2022, subject to 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 witnesses, 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)

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