

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29846 of 2023**

Arising Out of PS. Case No.-74 Year-2019 Thana- SIMRI District- Darbhanga

NITISH KUMAR PASWAN @ MITA Son of Hari paswan R/V- Chhiterpatti,  
P.S- Minapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mahesh Prasad,Adv.

For the Opposite Party/s : Mr.Lalan Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      13-06-2023      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with Simri  
P.S. Case No. 74 of 2019 registered for the offences punishable  
under Sections 413, 414/34 of the Indian Penal Code read with  
Sections 25(1-b) (a), 26, 35 of the Arms Act.

As per prosecution case, on secret information,  
informant alongwith other police officers proceeded towards  
NH 57 near village Moglaha alongwith police armed party. It is  
further alleged that two motorcycles without bearing registration  
number, coming from Muzaffarpur side and two persons were  
sitting on each motorcycle and after seeing the police, they tried  
to flee away in the opposite direction, thereafter, they were  
chased and apprehended by the police. It is further alleged that



apprehended co-accused disclosed their name as Radhey @ Arjun, Anish Kumar, Vishal Kumar and Deepak Kumar. It is further alleged that upon search, one mobile phone as well as country made pistol alongwith one live cartridge were recovered from the possession of apprehended co-accused Radhey @ Arjun and one country made pistol alongwith two live cartridges were recovered from the possession of apprehended co-accused Anish Kumar.

Learned counsel for the petitioner submits petitioner is not named in FIR and his name has been transpired in this case upon the confessional statement of co-accused Radhe @ Arjun. Except this, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that petitioner is quite innocent and he has committed no offence as alleged against him in FIR and he has falsely been implicated in the present case as he bears criminal antecedent of eighteen cases. He further submits that petitioner is in custody since 30.06.2019. Learned counsel for the petitioner orally submits that petitioner has been named in this case by way of supplementary charge sheet which is filed after three years.

The learned A.P.P. for the State opposes the prayer



for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM- IV, Darbhanga in connection with Simri P.S. Case No. 74 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall



continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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