

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19558 of 2023

Arising Out of PS. Case No.-561 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Nitish Kumar @ Nitish Singh, Gender-Male, aged about 24 years, S/o Prithbinatha Singh @ Prithavi Nath Singh Resident Of Village- Jamsikari, P.S- Mufasil, Distt.- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shailendra Kumar Dwivedi, Advocate
For the Opposite Party : Mr. Sanjay Kumar Tiwary, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Siwan Mufasil P.S. Case No. 561 of 2022 dated 01.10.2022, instituted for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Allegation is of recovery of one loaded countrymade pistol from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner was merely a pedestrian and on suspicion, the informant apprehended him and he has been implicated in this case. No incriminating materials have been recovered from the possession of the petitioner.



Further, it is submitted that due to criminal antecedents of the petitioner, the police concocted the false story of recovery of alleged arms from the possession of the petitioner. Lastly, it has been submitted that the petitioner is in custody since 02.10.2022, charge-sheet has been submitted in the case and he has two criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Siwan in Siwan Mufasil P.S. Case No. 561 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made



accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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