

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34522 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- SALIMPUR District- Patna

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NITISH RAI SON OF RAVINDRA KUMAR Resident of Village- Hajipur
(Hastarganj), Police Station-Town, District-Vaishali at Hajipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudama Kumar, Advocate
For the Opposite Party/s : Mr.Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Salimpur P.S. Case No. 133 of 2022 registered under Sections 399, 402 and 412 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act lodged on 16.07.2022 by the informant, Kamleshwar Ram

As per the prosecution story, on information that some persons have assembled to commit crime, the police reached the place of occurrence apprehended accused persons. While two of them managed to escape, the petitioner was one of the apprehended person and from him, live cartridge recovered.



Later, some more persons were apprehended and Rs. 1,97,600 was recovered.

As per the petition, one Nitesh Kumar who was the person escaped has since been extended the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 58075 of 2022 vide order dated 06.01.2023 (Annexure-2).

Learned APP stating that he has criminal antecedent of same nature.

Taking into account the averments made in the petition as also the fact that he has remained in custody since 17.07.2022, (as stated in paragraph-11 of the petition), this Court is inclined to extend him privilege of bail but only after the framing of the charge in view of the fact that he has seven (7) criminal cases under his belt.

Let the petitioner be released on bail after framing of charge on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Barh in connection with Salimpur P.S. Case NO. 133 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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