

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36352 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Nitish Kumar Son of Ashok Kumar Singh, Resident of Village - Fatehpur
Bala, ward no. 3, P.S. - Musrigharari, Distt. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 21-07-2023 Learned counsel for the petitioner filed the

supplementary affidavit today in the Court itself, which is

accepted and kept on record.

2. Heard learned Counsel for the petitioners and
learned A.P.P. for the State.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 399, 402,
411, 413, 414 of the Indian Penal Code read with Sections 25(1-
B)a, 26/35 of the Arms Act and Sections 8/20(a)(1) of N.D.P.S.
Act.

4. As per the prosecution, the present case has been
lodged against seven named accused persons out of them three
accused persons were apprehended and rest four accused



persons including the present petitioner fled away from the place of occurrence.

5. Learned counsel for the petitioner submits that by virtue of supplementary affidavit he is placing the criminal antecedent of petitioner before this Court as after filing of the present case on 28.01.2023 the Police has put his name in another case also about which the petitioner had received information after filing of the present application and, therefore, he has filed the supplementary affidavit by which it become clear that there is one criminal antecedent of petitioner. He further submits that nothing was recovered from the possession of petitioner and he was not apprehended from the place of occurrence. He also submits that name of petitioner is figured in this case only by virtue of confessional statement of apprehended person. Learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that it is true that petitioner has not been apprehended from the place of occurrence but is also true that the apprehended person has disclosed the name of petitioner.

7. In the present facts and circumstances, let the above



named petitioner be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond to the satisfaction of the learned Sessions Judge, Samastipur, District Samastipur in connection with Samastipur Muffasil P.S. Case No. 121 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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