

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37178 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- MADHEPURA District- Madhepura

Nikku Kumar Son Of Sanjay Yadav Resident Of Village - Patori, Ward No.-4,
P.S. - Singheshwar, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-06-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Madhepura (Bharrahi O.P.) P.S. Case No. 100 of 2023,
registered for the offences punishable under Sections 379,
411 and 414 of the Indian Penal Code and Sections 25(1-
B)a, 26 and 35 of the Arms Act.

The prosecution case as emerging from the FIR is
that on 29.01.2023 at about 7:45 P.M. on patrolling near
the Chaura Chowk More two miscreants on a motorcycle
started fleeing away after seeing the police personnel but
were apprehended by the police personnel. Later on, a



country made pistol, live cartridges, mobile and other incriminating articles were recovered from them.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that no illegal arms has been recovered from the conscious possession of the petitioner. Even as per the FIR, recovery has been made from other co-accused and thus no case is made out against this petitioner.

He further submits that the petitioner has been languishing in jail since 30.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. concerned Trial Court in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 100 of 2023, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that



the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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