

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45886 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- MALSALAMI District- Patna

OM GUPTA @ NITISH KUMAR, S/O- Bishun Prasad @ Vishnu Prasad
Gupta, R/O Mohalla- Bhaishani Tola, P.S- Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 25-08-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with
Special Case (N.D.P.S.) No. 54 of 2022 arising out of Malsalami
P.S. Case No. 168 of 2022, dated 22.03.2022 registered for the
offence(s) punishable under Section(s) 399, 402, 413 of the
Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act
and Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act.

3. This is second attempt of the petitioner for the relief
of regular bail as his earlier prayer was rejected by this Bench
vide order dated 29.11.2022 passed in Cr. Misc. No. 45513 of
2022 preferred by this petitioner.

4. The main submissions advanced by learned counsel
for the petitioner are that the petitioner earlier preferred Cr.



Misc. petition for the relief of regular bail which was rejected by this Court, giving a liberty to the petitioner “to renew his bail prayer after six months, if significant progress is not made in his case” and accordingly, in the light of the said liberty petitioner has again come before this Court for the relief of regular bail, as no significant progress is made in his trial. It is further submitted that petitioner’s trial has commenced and upon him, charge has been framed on 03.01.2023 but, thereafter no prosecution witness has been produced and examined, which shows the lingering attitude of the prosecution. It is further submitted that petitioner is a very young person, though against him, there is criminal antecedent of one case but the same was lodged by grandmother of the petitioner. It is further submitted that co-accused persons namely, Ankit Patel @ Bhoma, Aakash Kumar @ Chhotu @ Chhoti, Sumit Kumar @ Bauna, Piyush Gupta @ Chandan Sao, Rohit Kumar @ Dehati and Manish Kumar @ Pheku carrying similar nature of allegation, have been granted bail by different Benches of this Court after the rejection of petitioner’s earlier prayer, vide orders passed in Cr. Misc. Nos. 52202 of 2022, 44334 of 2022, 53090 of 2022, 44725 of 2022, 58792 of 2022 and 67712 of 2022 respectively and petitioner has been languishing in jail since 22.03.2022.



5. Learned APP appearing for the State has opposed the prayer for bail.

6. Considering the above submissions, this Court is of the view that in the circumstances pointed out by petitioner's counsel discussed above, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Special Case (N.D.P.S.) No. 54 of 2022 arising out of Malsalami P.S. Case No. 168 of 2022.

(Shailendra Singh, J.)

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