

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53028 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- KHAIRA District- Saran

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Nitesh Giri @ Nitesh Kumar Giri @ Nitesh Kumar Son Of Krishna Giri @
Tribhuvan Giri @ Krishna R/O-Hare Ram Tola Ward No. 1, P.S.-Khaira,
Distt.-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 399, 402 of the IPC and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per FIR, the petitioner and co-accused persons were apprehended on the spot when they were assembled to commit an offence and from the possession of the petitioner one live cartridge and one mobile phone were recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case due to high handedness of the police officials.



The petitioner has no concern with the alleged recovery and no complaint of any offence has been lodged against him. It is further submitted that the petitioner has got no criminal antecedent. Similarly situated co-accused has already been granted bail by this Court vide order dated 11.10.2023 passed in Cr. Misc. No. 64766 of 2023. Moreover the petitioner is languishing in judicial custody since 10.04.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Khaira P.S. Case No. 134 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra at Saran.

(Sunil Kumar Panwar, J)

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