

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56854 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- BHAGWANPUR District- Vaishali

NISHU KUMAR S/o Ajay Kumar Srivastava Resident of Village-Goraul
Bazar, P.S.-Goraul, District-Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Bhagwanpur P.S. Case No. 15/2023 registered under Sections 414 of the Indian Penal Code and Section 25 (1-b)a/26 of the Arms Act lodged on 18.01.2023 by the informant, Girdhar Lal.

As per the prosecution story, during patrolling, one motorcycle was intercepted and a country-made pistol was recovered. As no paper was produced, the FIR was lodged/arrested.

It is the case of the petitioner that nothing has been recovered from his possession and a false story has been created.



Learned APP for the State opposes the prayer for bail stating that he has criminal antecedent of same nature.

Taking into account the submissions put forward by the learned counsel for the petitioner, he is in custody since 19.01.2023 (as stated in paragraph-13 of the petition) and is a young boy of 22 years, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case NO. 15 of 2023, 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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