

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57736 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- RUPAULI District- Purnia

NITISH KUMAR YADAV S/O ANIL YADAV R/O VILLAGE - BHIKHNA,
P.S. - RUPAULI (RUPOULI) (AKBARPUR O.P.)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2023 Heard Mr. Pawan Kumar, learned counsel for the
petitioner and Mr. Dinesh Singh, learned APP for the State.

The petitioner is in judicial custody in connection with Rupauli (Akbarpur O.P.) P.S. Case No. 110 of 2023 for the offence punishable under Sections 25(1-b)a, 26,35 of the Arms Act lodged on 19.4.2023 by the informant, Suraj Prasad.

As per the prosecution story, the allegation is that the police intercepted two persons, the petitioner being one of them. Upon search, an empty country made pistol recovered/seized. Accordingly, the arrest was made.

It is the case of the petitioner that he is young boy of 22 years, only to implicate him as there was altercation with the police, this recovery of the empty country made pistol has been made which clearly shows that there was no intention to commit



any crime. He is in custody since 19.4.2023 (para-12 of the petition) though he concedes that he has criminal antecedent.

Learned APP opposes the prayer stating that the police has recovered the empty country made pistol from his possession.

Taking into account the submission put forward by the respective parties, he is in custody since 19.4.2023, FIR lodged and ultimately will be facing the trial, is a young boy of 22 years of age, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Rupauli (Akbarpur O.P.) P.S. Case No. 110 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 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



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 his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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