

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62513 of 2022

Arising Out of PS. Case No.-622 Year-2021 Thana- AMARPUR District- Banka

Nitu Singh Son Of Ram Charan Singh @ Charya Mandal R/O Village-
Kusumkhar, P.S.- Amarpur, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in short, is that on 27.12.2021 the informant received a secret informant that 4-5 miscreants were assembled at the house of one Parash Kumar for the purpose of committing dacoity. On this information, nabbed Parash Kumar while the other four co-accused persons managed to escape from the spot. On search, two country made *katta* and nine live cartridges and one knife were recovered. On interrogation, gave the name of the persons, who escaped from the place of occurrence, as Nitu Singh, Rajesh Tanti, Raj Kumar



Singh and one unknown.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely Parash Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner and hence no case is made out under the Arms Act and there is non compliance of Section 100 of the Cr. P.C. He further submits that co-accused namely Parash Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 18.08.2022 in Cr. Misc. No. 26171 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with



Amarpur P.S. Case No. 622 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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