

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58594 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- BHAGWANPUR District- Vaishali

NITESH KUMAR @ NITISH KUMAR Son of Yogendra Ray @ Yugeshwar
Ray Resident of Village- Pojhiya, P.S- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kr. Thakur, Advocate
	:	Ms.Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bhagwanpur P.S. Case No. 83 of 2022 for the offence registered under Section 414 of the Indian Penal Code and Sections 25 (1-b)a, and 26 of the Arms Act.

The allegation is regarding the police force having apprehended the petitioner, who was traveling on a motorcycle and was trying to flee away upon seeing the police force. It is further alleged that upon search one country made pistol along with three live cartridges were recovered



apart from recovery of one motorcycle from the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is languishing in custody since 02.04.2022. The learned counsel for the petitioner has submitted that though the petitioner is an accused in one another case but he is on bail in the said case. It is also submitted, by referring to Annexures appended to the present petition, that the owner of the motorcycle in question is one Devendra Kumar, who has filled Form-29 and has also executed a letter of sale in favour of the petitioner. Lastly, it is submitted that considering the period of incarceration, a sympathetic view be taken for the purpose of grant of bail.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that as far as the recovery of motorcycle from the petitioner is concerned, it has been suitably tried to be explained in the present petition and, moreover, considering the period of incarceration of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 83 of 2022.

(Mohit Kumar Shah, J)

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