

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58075 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- SALIMPUR District- Patna

NITESH KUMAR S/O TARKESHWAR SAW Resident of village- Hadipur,
P.S.- Bachhawada, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar,Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman,Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner seeks regular bail in connection with Salimpur P.S. Case No. 133 of 2022, registered for the offence punishable under Sections 399/ 402/ 412 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

The allegation is regarding the police having got secret information that 5-6 miscreants were planning to commit some crime, whereafter, the police force had initiated search and had apprehended the accused persons including the petitioner herein. It is also alleged that upon



search, one mobile phone and a motorcycle were recovered 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 having a clean antecedent and he is languishing in custody since 17.07.2022. The learned counsel for the petitioner has further submitted that one mobile phone, recovered from the petitioner, belongs to his sister and as far as the motorcycle in question is concerned, the same is registered in the name of co-accused person, namely, Vishal Kumar Gupta, who was arrested from the spot. It is further submitted that the petitioner is a student of fourth year and is pursuing engineering course from Bakhtiyarpur Engineering College.

Per contra, the learned APP 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 as also considering the aforesaid submissions made by the learned counsel for the petitioner, apart from fact that the petitioner is languishing in custody since 17.07.2022, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Barh in connection with Salimpur P.S. Case No. 133 of 2022.

(Mohit Kumar Shah, J)

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