

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69138 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- BATHNAHA District- Sitamarhi

Nitish Kumar @ Nitesh Kumar Son of Bhogendra Kapar Residence of Vill. -
Bakhari, P.s. - Bathanaha, Dist - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code read with Sections 25(1-b)a, 26/35 of the Arms Act.

The prosecution case relates to recovery of two live cartridges along with some mobile phones from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. The petitioner has no concern with alleged arms which were seized by the police. It is further submitted that during investigation the



Investigating Officer has not done any investigation with regard to the fact that whether the recovered mobile sets are looted/stolen or not. Similarly situated co-accused namely, Dinesh Kumar has already been granted bail by another co-ordinate Bench of this Court vide order dated 21.08.2023 passed in Cr. Misc. No. 53120 of 2023. The petitioner is languishing in judicial custody since 17.03.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bathnaha P.S. Case No. 96 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi/concern Court.

(Sunil Kumar Panwar, J)

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