

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68434 of 2023

Arising Out of PS. Case No.-383 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Nitish Kumar @ Nitish Chaudhary Son Of Shashi Bhushan Chaudhary
Resident Of Village - Rasalpur, P.S. - Bhagwanpur, District - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Muffasil (Singhaul O.P.) P.S. Case No. 383 of 2023, lodged on
01.07.2023, under Sections 25(1-b)A/26(ii) of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons including the present
petitioner.

4. Learned counsel for the petitioner submits that one
Desi Katta and two live cartridges alleged to have been
recovered from the possession of the petitioner. He submits that
petitioner is in custody since 02.07.2023. There is one criminal
case pending against him.



5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean and recovery has been made from his conscious possession.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be released on bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Muffasil (Singhaul O.P.) P.S. Case No.383/2023, 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J)

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