

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56849 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- BOCHAHAN District- Muzaffarpur

Ritesh Kumar @ Nitesh Kumar, son of Rajesh Sahani (Sahni) @ Ramesh Sahani (Sahni), Resident of Village- Sharwani Chak, P.S.- Bochahan Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Mr. Anish Kumar, learned Advocate for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Bochaha (Bochahan) P.S. Case No. 77 of 2024 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-B)(a), 26/35 of the Arms Act.

3. The police, on a tip of assemblage of miscreants, conducted raid and apprehended the petitioner. On search, one country made pistol and one live cartridge, besides a knife were recovered from the possession of the petitioner.

4. Learned Advocate for the petitioner contended that the very basis of the institution of the F.I.R. is his past two



criminal antecedent; and as the petitioner was carrying two criminal antecedent, the police personnel were chasing behind him and when he was found in suspicious circumstances, his name has been implicated in this case, showing the recovery of arms and ammunition from his possession. The seizure list witnesses are non-else, but the police personnel, apart from the other infirmities in the search and seizure, is the contention of the learned Advocate for the petitioner. It is next contended that the police after completion of investigation submitted charge-sheet and now the petitioner is in custody since 07.04.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying two criminal antecedent on his credit. Moreover, from the conscious possession of the petitioner arms and ammunition have been recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and charge-sheet has been submitted in this case and the case is triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate-XIV, East Muzaffarpur in connection with Bochaha (Bochahan) P.S. Case No. 77 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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