

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60770 of 2024

Arising Out of PS. Case No.-55 Year-2023 Thana- BATHNAHA District- Sitamarhi

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Nitish Kumar S/o- Yogendra Kapar @ Jogendra Kapar @ Bhogendra Kapar
Village - Bakhari, ward no. - 10, P.S. - Bathnaha, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bathnaha P.S. Case No. 55 of 2023 dated 09.02.2023, lodged
under Sections 341, 323, 326, 307 and 34 of the I.P.C. read with
Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against three unknown accused persons with an
allegation of resorting fire on the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that the name of the petitioner has figured in this case
by virtue of confessional statement of the co-accused, namely,
Shibu Kapad, who has been granted bail by this Court vide
order dated 14.03.2024 passed in Cr. Misc. No. 17500 of 2024.
He further submits that the petitioner is in custody since

04.05.2024 having two criminal cases pending against him in which he is on bail.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean. He further submits that the bail application of the co-accused has been allowed on 14.03.2024, whereas he was in custody since 18.08.2023, *i.e.* about after seven months, whereas the present petitioner is in custody since 04.05.2024 only.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail (**four months after framing of charge, if not framed**) on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sitamarhi in connection with Bathnaha P.S. Case No. 55 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors 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.

7. It is made clear that the Trial Court shall accept the bail bond of the petitioner on being satisfied that he is not absconding in the cases pending against him, as follows:-

(i) Bathnaha P.S. Case No. 88 of 2023.

(ii) Bathnaha P.S. Case No. 96 of 2023.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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