

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70041 of 2024

Arising Out of PS. Case No.-210 Year-2024 Thana- DAWATH District- Rohtas

Nitish Kumar @ Rama Shankar Yadav @ Ramashankar Yadav S/o Chhotelal
Singh R/o Village- Sahadat Dihra (Shahadat Dihara), P.S.- Dawath, District-
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Dawath P.S. Case No. 210 of 2024 for the offence punishable under sections 25(1-b)a/26 of the Arms Act, lodged on 23.06.2024 by the informant, Kripal Ji.

3. As per the prosecution story, the informant alleged that in course of conducting raid regarding earlier Bikramganj P.S. Case No. 302 of 2024 in which the petitioner was an accused, the house was raided and the petitioner was arrested with country made pistol and a live cartridge. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he being implicated in earlier case, the police came, arrested and



then planted this recovery of arms theory. He was also forced to sign on the blank paper and in that circumstance has suffered being in custody since 26.06.2024 (paragraph no.11 of the petition).

5. Learned APP opposed the prayer submitting that that he has criminal antecedent and when the police raided the house he was armed.

6. Considering the submission put forward by the parties as also the fact that he has remained in custody since 26.06.2024, F.I.R. lodged, will be facing the trial, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Dawath P.S. Case No. 210 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

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