

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84707 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- BIND District- Nalanda

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Jitendra Kumar Son Of Bishnudev Kewat @ Vishundev Resident Of Village-
Munshhipain, Ps- Barh, Distt- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bind P.S. Case No. 58 of 2023 (G.R. No. 2699 of 2023) lodged under Sections 399, 402, 419, 420, 120B, 414, 467, 468 and 471 of the I.P.C. read with Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been lodged against six named accused persons who were apprehended by the police upon secret information when police has raid at the specified place. During raid the petitioner was apprehended and from whose possession, one live cartridges have been recovered.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 24.05.2023 having clean antecedent.

5. Counsel also submits that the seizure list is defective and may not be taken into consideration.

6. Counsel also submits that one of the co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 02.01.2024 passed in Cr. Misc. No. 83177/2023.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of 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 Addl. Sessions Judge-II, Nalanda, Bihar Sharif in connection with Bind P.S. Case No. 58 of 2023, S.Tr. No. 687 of 2023 (G.R. No. 2699 of 2023), subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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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