

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3322 of 2024

Arising Out of PS. Case No.-444 Year-2023 Thana- TURKAULIYA District- East
Champaran

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NITISH PATEL @ NITESH PATEL SON OF ARJUN PATEL R/O
VILLAGE- KARAMWA, P.S.- SUGAULI, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Moleshwar

For the Opposite Party/s : Mr.Rajendra Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Turkauliya P.S. Case No. 444 of 2023 registered for the offences
punishable under Sections 414, 467, 471, 34 of the Indian Penal
Code and Sections 25(1-b) a, 26, 35 of the Arms Act.

3. As per prosecution case, one country made pistol,
two live cartridges, one motorcycle and master key were
recovered from possession of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case due to
dirty village politics. Petitioner is in custody since 13.04.2023.



Learned counsel through supplementary affidavit submitted that petitioner bears criminal antecedent of one case bearing Darpa P.S. Case No. 40 of 2023 which has not been registered under the Arms Act as the aforesaid case was lodged under Section 379 of the IPC. He further submits that co-accused Sandip Yadav @ Sandip Kumar has already been granted anticipatory bail by this court vide Cr. Misc. No. 52243 of 2023 and case of present petitioner is more or less similar to the case of co-accused Sandip Yadav @ Sandip Kumar. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below at



Motihari, District East Champaran in connection with
Turkauliya P.S. Case No. 444 of 2023, subject to following
conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

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