

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.34715 of 2019**

Arising Out of PS. Case No.-216 Year-2019 Thana- BHAGALPUR KOTWALI District-  
Bhagalpur

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NILESH MISHRA Son of Naresh Mishra @ Naresh Kumar Mishra Resident  
of Village - Balu Chak, P.S.- Dharahra, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      28-05-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since  
20.03.2019 in a case registered for the offences punishable  
under Sections 399, 402 of the Indian Penal Code and Sections  
25)1-B)a/26(ii)/35 of the Arms Act.

The prosecution case is that after having received a  
secret information to the effect that some miscreants are  
planning to commit some serious nature of offence, the  
informant land a raid at Hotel Shish Mahal. During frisking



from the rooms of the hotel, one country made pistol with live cartridges were recovered from the possession of co-accused Manohar Yadav, while from the possession of the petitioner, one mobile phone was recovered.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case and no incriminating article has been recovered from his conscious physical possession. It is further submitted that co-accused Manohar Yadav from whose possession, the arms and cartridges were recovered, have been granted bail by a co-ordinate Bench of this Court vide order dated 27.05.2019 passed in Criminal Miscellaneous No. 34459 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner was apprehended along with the other miscreants while preparing to commit dacoity.

Considering the nature of recovery, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond



of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bhagalpur, in connection with Kotwali (Tilkamanjhi) P.S. Case No.216 of 2019.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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