

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22872 of 2021

Arising Out of PS. Case No.-125 Year-2020 Thana- MANPUR District- Nalanda

Nilesh Kumar Son Of Jangbahadur Paswan @ Chhote Paswan R/O Village-Takiyapar, P.S.- Deep Nagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Adv.
For the State : Smt. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-11-2021 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Manpur
P.S. Case No.125 of 2020, registered for the offence punishable
under Sections 25(1-b), a/ 26 of the Arms Act.

Prosecution case in brief, is that a Hero Honda
motorcycle and one country made pistol loaded with three live
cartridges recovered from the pocket of the petitioner. It has
further been alleged that petitioner on demand could not
produce any legal documents with regard to the recovered
articles. He was arrest and a copy of seizure list was also handed
over to him.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is in judicial custody since 18.12.2020. Learned counsel for the petitioner further submits that there is no independent eyewitness to the seizure list and the witnesses who have signed the seizure list are entrusted witness and are police personnel. Learned counsel for the petitioner submits that to that effect he has made specific statement in para-7 of the petition. He further submits that petitioner has been implicated in this case due to local politics and it is a fit case in which petitioner be released on bail.

Learned counsel appearing on behalf of the State submits that live cartridges and firearms has been recovered from the possession of the petitioner and as such he do not deserves to be released on bail.

Considering the facts and circumstances of the case, I am inclined to enlarge the petitioner, above named, on bail on furnishing bail bond of Rs.100,000/-(Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Manpur P.S. Case No.125 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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

(Purnendu Singh, J)

Prakash Narayan /-

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