

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40310 of 2020**

Arising Out of PS. Case No.-278 Year-2020 Thana- MAHUA District- Vaishali

NITESH KUMAR S/O CHANDRIKA RAI R/O VILLAGE-GARAH, P.S-
JANDAHA, DISTRICT-VAISHALI, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

5 24-03-2021 Heard Mr. Anish Kumar, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Mahua P.S. Case No. 278 of 2020 registered for the offences
punishable under Sections 399, 402 of the Indian Penal Code
1860, Sections 25(1-b)a, 26 and 35 of the Arms Act.

The allegation as per the First Information Report is
that the Police got secret information that some miscreants have
assembled near Mirza Nagar High School for committing crime,
proceeded towards the place of occurrence and upon seeing the
Police Party, the accused persons started fleeing away. However,
two persons namely, Rajesh Kumar and Chandan Kumar were
arrested and a loaded country made pistol was recovered from



possession of Rajesh Kumar and one knife was recovered from possession of Chandan Kumar. The name of the petitioner was disclosed by the arrested co-accused persons.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of disclosure of his name by the arrested co-accused persons and the petitioner has not committed any offence in the manner alleged. Learned counsel further submits that the Police raided the house of the petitioner and recovered a sum of Rs.1,750/ and Aadhar Card of one Ankit Kumar from his possession. Learned counsel also submits that the petitioner is in custody since 27.5.2020. Learned counsel next submits that co-accused Rajesh Kumar from whose possession, the country made pistol was recovered, has been granted bail by the court below in B.P. No. 805 of 2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that no firearm has been recovered from possession of the petitioner and the co-accused Rajesh Kumar has been granted bail by learned court below itself as well as the petitioner is in custody since 27.5.2020, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 278 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

