

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7687 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Nilesh Kumar (M), aged about 27 years, son of Suneshwar Rai @
Sumeshwar Rai, resident of village: Karhansi, P.S: Natwar, District: Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Adv. Mr.Shankar Kumar
For the Opposite Party/s	:	Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-05-2023 Heard the parties.

Petitioner seeks regular bail in connection with Durgawati PS Case No. 341 / 2022 dated 17-11-2022 registered under Section 25 (1)(d) / 25 (1-b) A / 26 / 29 / 35 of the Arms Act.

The petitioner is not named in the First Information Report. As per the First Information Report Police intercepted an Alto Car in which four persons were sitting and recovered 2200 live cartridges from the Car.

Learned counsel for the petitioner submits that petitioner was not arrested from the spot and the four persons who were sitting in the Car were taken into custody by the Police. The statement of one Sonu Singh, who was driving the



Car was recorded, who disclosed that he had bought the cartridges in question from one Shubham Singh. He further submits that the name of the petitioner surfaced during the course of investigation on the basis of re-statement of Sonu Singh and this time Sonu Singh had only said that it was the petitioner, who directed him to approach Mahendra Singh for the cartridges and accordingly Sonu Singh and others purchased the cartridges from the son of Mahendra Singh namely, Subham Singh. No cartridges and / or incriminating article has been recovered from the possession of the petitioner and he is in custody since 18.11.2022 having no criminal antecedent of similar nature of offence.

Regard being had to the submission made by the parties, taking into consideration the material on record, the fact that incriminating article and / or cartridges have not been recovered from the petitioner, the name of the petitioner has transpired on the basis of disclosure of his name by the co-accused, the petitioner is in custody since 18/11/2022, charge sheet has already been submitted, there is no likelihood that the petitioner will abscond or tamper with the evidence if released on bail and other accused persons who were sitting in the Car have been granted bail by a Co-ordinate Bench of this Court in



Cr. Misc No. 8115 of 2023 , I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Mohaniya, District: Kaimur in connection with Durgawati PS Case No. 341 / 2022.

(Anil Kumar Sinha, J)

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