

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63785 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Nitish Kumar @ Nitish Kumar Mahto S/O Ram Uchit Mahto R/O Village-
Khokshaha, Ward No. 14, Ps. Bibhutipur, Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, the petitioner was apprehended on the spot and from his possession one country made pistol was recovered.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. He has no concern with alleged arm which was seized by the police. Both the seizure list witnesses are police personnel which is complete



violation of Section 100 of Cr.P.C. The petitioner is languishing in judicial custody since 09.05.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bibhutipur P.S. Case No. 163 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Rosera, Samastipur.

(Sunil Kumar Panwar, J)

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