

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5888 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- ROH District- Nawada

Nitish Kumar S/O Kailash Yadav Village- Mahkar, Ps. Roh, Dist. Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Adv.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Roh
P.S. Case No. 317 of 2023 instituted for the offences under
Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per prosecution case, the police, on the basis of
confessional statement of F.I.R. named accused Nitish Kumar of
F.I.R. No. 264 of 2023, arrived near an old school and on
search, one country made pistol and gun were recovered from
the room of the school. It is further alleged that on query, the
petitioner Nitish Kumar disclosed that on 23.07.2023, he went
to village Bhupesh Nagar with the said arms for demanding
Rangdari and had concealed the said pistol and gun in the room
of the school at the instruction of accused Ravi Kumar.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to handedness of the police. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery of the country made pistol and gun was made from the school and the petitioner has no concern with the said school or alleged recovery. The petitioner has three criminal antecedents as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 25.09.2023. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner is named in the F.I.R. and recovery of the country-made pistol and gun were made from the room of the school on the disclosures made by the petitioner. The petitioner has three criminal antecedents and, hence, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Roh P.S. Case No. 317 of 2023, subject to the conditions that;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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