

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9112 of 2024

Arising Out of PS. Case No.-378 Year-2023 Thana- DUMRA District- Sitamarhi

Nitesh Kumar Son of Muntun Prasad @ Muntun Prasad Kushawaha Resident
of Vill.-Olipur Ward No.11, P.S.-Mahindwara, Distt.-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Dumra P.S. Case No. 378 of 2023 instituted for the

offences under Sections 413, 414, 399, 402 of the Indian

Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

3. As per prosecution case, the police, on receipt of

secret information, proceeded towards the place of

occurrence and saw that three persons on foot and two on

different motorcycles were fleeing after seeing the police. On

chase, three of them including petitioner caught by the

police. On search, arms and ammunition along with other



valuable documents and articles as mentioned in the seizure list were recovered from their possession. It is alleged that one loaded country made pistol, one live cartridge, Rs. 9,000/- in cash, two mobiles and one debit card were recovered from the possession of the present petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has four criminal antecedents out of which in three of them, he is on bail. 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 06.08.2023 and charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail after framing of charge, if the charge is already not framed, 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 Dumra P.S. Case No. 378 of 2023.

(Rudra Prakash Mishra, J)

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