

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15556 of 2024

Arising Out of PS. Case No.-295 Year-2023 Thana- BARGAINIA District- Sitamarhi

Nitesh Kumar son of Harendra Ram Village- Jamua W.No-3, Ps- Bairgania
Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Bairgania P.S. Case No. 295 of 2023 instituted for the offence
under Sections 399 & 402 of the Indian Penal Code and
Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. As per the prosecution case, there is recovery of
one country made pistol with live cartridges and one another
live cartridge from possession of two accused persons.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 26-12-2023. Petitioner is
stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Rohit Kumar & Bharat Kumar @ Lalu. Nothing has been recovered from the conscious possession of the petitioner. Petitioner was not apprehended on the spot. Seizure list is not in accordance with law.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent and manner of implication, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Bairgania P.S. Case No. 295 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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