

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31276 of 2024

Arising Out of PS. Case No.-888 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Nikhil Kumar S/o Nirmal Bhagat R/o Village- Amarpur, P.S.- Sonbarsa
Kachehry, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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

ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Saharsa
Sadar (Sonbarsa-Kachehry) P.S. Case No. 888 of 2023
instituted for the offences under Section 25(1-B)(a), 26/35 of the
Arms Act.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence. On
seeing the police party, two motorcycle borne miscreants tried to
flee away from there but were apprehended by the police. On
being asked, the apprehended persons disclosed their names as
Sidharth Kumar @ Sunder Kumar and Nikhil Kumar (the
petitioner). On search, one country made pistol from the



possession of the co-accused Sidharth Kumar and one live cartridge from the pocket of Nikhil Kumar (petitioner) have been recovered. The Apache motorcycle bearing Regd. No. BR19V-5824 was also recovered and the seizure list was prepared.

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. The petitioner has no concern with the alleged occurrence or the seized articles. Both the witnesses named in the seizure list are police spy. In course of investigation, nothing has come against the petitioner. There is non-compliance of Section 100 of the Cr.P.C. The petitioner has no criminal antecedent and is languishing in judicial custody since 14.12.2023 without any rhymes or reason. 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 he along with his associates were arrested on the spot and one live cartridge has been recovered from the possession of petitioner/Nikhil Kumar whereas one country made pistol has been recovered from the possession of the co-accused Sidharth



Kumar. The offence alleged is serious in nature and, thus, 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 and the petitioner having no criminal antecedent, 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 Saharsa Sadar (Sonbarsa-Kachehry) P.S. Case No. 888 of 2023.

(Rudra Prakash Mishra, J)

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