

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40407 of 2024

Arising Out of PS. Case No.-1185 Year-2023 Thana- GAYA MUFASIL District- Gaya

Nitish Kumar @ Bhola Son of Umesh Yadav Resident of Village - Bhola
Bigha, Police Station - M.M.C.H., District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

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

ORAL ORDER

3 10-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Muffasil P.S. case No.
1185 of 2023 instituted for the offences under Sections 399,
402, 413, 414 of the Indian Penal Code and Sections 25(1-B)a,
26 and 35 of the Arms Act.

3. Prosecution allegation, in short, is that the police on
the basis of secret information that some miscreants are
planning to commit crime, raided the place of occurrence and
arrested seven persons including the petitioner. On search, arms
and ammunitions were recovered from them.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. The name of the petitioner has transpired on the basis of confessional statement of co-accused namely Shambhu Saw, Sanjay Pandit and Banni. There is a recovery of mobile phone from the possession of the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. There is no any firearm recovered from the conscious possession of the petitioner rather the recovery of arms and ammunitions is attributed to co-accused persons. Charge-sheet has been submitted in this case. The petitioner is in custody since 28.11.2023 and has three criminal antecedents. Co-accused has been granted bail by this Bench vide order dated 17.05.2024 passed in Cr. Misc. No. 36922 of 2024.

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

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Muffasil P.S. case



No. 1185 of 2023 subject to the following conditions:

(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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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