

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41582 of 2024

Arising Out of PS. Case No.-873 Year-2023 Thana- NAUBATPUR District- Patna

Nitesh Kumar son of Late Dinesh Sharma @ Dinesh Kumar R/o- Shekhpura
Ps- Naubatpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shiwani Kumari, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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

ORAL ORDER

2 19-06-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Naubatpur P.S. Case No. 873 of 2023 instituted for the offence
under Sections 25(1-B)a & 26 of the Arms Act.

3. Prosecution case in a nutshell is that there is
recovery of one country made pistol and 15 live cartridges from
the cowshed of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 25-12-2023. Petitioner
bears two criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.

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



counsel that petitioner has been falsely implicated in the present case. Petitioner has no concern with the recovered arms. Nothing incriminating has been recovered from the possession of the petitioner, rather recovery is made from an open place, which is accessible to one and all. There is no compliance of Section 100 of the Cr.P.C. It is lastly submitted that charge sheet has already been submitted in this case.

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 and period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after framing of charge, if not already 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 Naubatpur P.S. Case No. 873 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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