

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49075 of 2024**

Arising Out of PS. Case No.-28 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Nitish Kumar Kanhaiya @ Saurabh Saksena @ Saurabh Sexsena S/O Ashok
Kamti R/O Village- Shreepur Mauan, PS- Singhia, Distt Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Dr Abdus Shakoore, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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

ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kusheswar Asthan P.S. Case No. 28 of 2024 instituted for the
offences under Sections 399, 402 of the Indian Penal Code and
25(1-b)a, 26, 35 of the Arms Act.

3. Prosecution case, in short, is that, on the basis of
information that some miscreants had assembled at a place to



commit some crime, police raided the place of occurrence and apprehended the accused persons including this petitioner. On search, various arms and ammunitions were recovered from them.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that except mobile phone, no any incriminating article has been recovered from the conscious possession of the petitioner rather the recovery of arms and ammunitions has been made from other co-accused persons who were apprehended on the spot. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.02.2024 and has no criminal antecedent.

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, clean antecedent, no any recovery of fire arms from the petitioner as also 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 Kusheswar Asthan
P.S. Case No. 28 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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