

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52030 of 2024**

Arising Out of PS. Case No.-98 Year-2024 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Niraj Kumar @ Chhotu S/o- Ram Nandan Paswan Village- Bajitpur W.No-45,
Ps- Mufassil Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.
For the Opposite Party/s : Mr.Ajit Kumar, APP

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

ORAL ORDER

3 28-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 98 of 2024 instituted for the offences
under Sections 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 and
apprehended two persons from there including the petitioner and
one of them fled away. On search, one loaded country made
pistol and one photocopy of *Aadhar* card were recovered from
the possession of co-accused Deewana Kumar whereas three
cartridges along with one scan copy of the PAN Card were
recovered from the possession of the present petitioner.



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. He further submits that no arms has been recovered from the conscious/constructive possession of the petitioner rather the same was shown to be seized from the co-accused Deewana Kumar while the petitioner has been shown with three live cartridges. He further submits that nothing incriminating has also been recovered from the conscious possession of the petitioner. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has altogether four criminal antecedents and is languishing in judicial custody since 21.02.2024 without any rhymes or reason. Charge-sheet has been submitted in this case and the learned court below has also taken cognizance thereof.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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, 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 Muffasil P.S. Case
No. 98 of 2024.

(Rudra Prakash Mishra, J)

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