

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60414 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- THAWE District- Gopalganj

Nilesh Kumar Son of Rajalal Kushwaha @ Rajalal Bhagat Resident of
Kakarkund, P.S.- Gopalganj, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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

ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Thawe
P.S. Case No. 128 of 2024 instituted for the offence under
Sections 25(1-B)a & 26 of the Indian Penal Code.

3. Prosecution case in short is that during course of
patrolling by the police party, petitioner was intercepted with
motorcycle and on search one country made pistol and two live
cartridges were recovered from possession of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 30-05-2024. Petitioner
bears three 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. It is submitted that petitioner has no concern with the recovered arms and recovery is planted. Nothing incriminating has been recovered from his conscious possession. Motorcycle in-question belongs to the petitioner himself. There is no compliance of Section 100 of the Cr.P.C.

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 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 Thawe P.S. Case No. 128 of 2024, 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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