

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77121 of 2024

Arising Out of PS. Case No.-214 Year-2024 Thana- UJIYARPUR District- Samastipur

Nitish Kumar @ Nitesh Kumar Son of Mahavir Ray R/O Vill.- Bhagwanpur
Desua, P.S.- Uhiyarpur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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

ORAL ORDER

2 26-10-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Ujiarpur P.S. Case No. 214 of 2024 instituted for the

offences under Sections 25(10-B)(a), 26, 27 of the Arms Act.

3. As per prosecution case, the police has recovered

one country-made pistol along with three live cartridges as

well as motorcycle, mobile and fired cartridge from the

conscious possession of the 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 nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery has been made from the open place. The petitioner is the registered owner of the said alleged bullet motorcycle and the mobile phone also belongs to the petitioner. The petitioner has no concern with the alleged occurrence. 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 one criminal antecedent and is languishing in judicial custody since 19.08.2024 without any rhymes or reason.

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 Ujiarpur
P.S. Case No. 214 of 2024.

(Rudra Prakash Mishra, J)

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