

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73957 of 2023

Arising Out of PS. Case No.-168 Year-2023 Thana- CHAKIA District- East Champaran

Nitish @ Nitish Mishra @ Nitesh Mishra Son Of Manoj Mishra @ Manoj Kumar Mishra Resident Of Village - Bhada, P.S. - Harsidhi, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 399, 402, 324, 326, 332, 333, 352, 353, 307 of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of Arms Act.

3. According to the FIR, when the informant along with police personnel were on patrolling duty, a vehicle was trying to escape after seeing them. When police tried to caught them, a clash broke out between



the accused and the police. Ultimately, the accused persons have been arrested and from possession of this petitioner, one country made pistol was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no concerned with the alleged arms seized by the police. It is further submitted that the seizure list witness are police officials, not a single independent witness which violates section 100 of Cr.P.C. The petitioner is languishing in judicial custody since 9.5.2023. Moreover, other similarly situated co-accused has been granted bail vide order dated 03.11.2023 passed in Cr. Misc. No. 69672 of 2023.

5. Learned APP appearing for the State has opposed the prayer of regular bail.

6. Considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above



named petitioner is directed to be released on bail in connection with Chakia P.S. Case No. 168 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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