

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78420 of 2024

Arising Out of PS. Case No.-197 Year-2023 Thana- NIMCHAKBATHANI District- Gaya

Nitish Kumar Son of Upendra Chauhan Resident of Village- Ganpatnagar PS
-Nimchak Bathani District- Gaya Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binit Kumar, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

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

ORAL ORDER

2 30-10-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Nimchak Bathani P.S. Case No. 197 of 2023 instituted for the
offence under Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. As per the prosecution case, there is recovery of
one country made thernet, two live cartridges and mobile phone
from the possession of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 01-11-2023. 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. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery. It is lastly submitted that there is no compliance of Section 100 of the Cr.P.C. Charge sheet has already been submitted in this case. Other co-accused has been granted bail by this Court *vide* order dated 20-03-2024, passed in Cr. Misc. No. 13780 of 2024.

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, period of custody of the petitioner, claim based on parity and charge sheet being submitted, 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 Nimchak Bathani P.S. Case No. 197 of 2023, 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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