

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85642 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- PANDAUL District- Madhubani

Nitish Thakur @ Nithish kumar Thakur S/o Sunil Thakur R/o - Belahi, P.S -
Pandaul, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

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

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

ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Pandaul
P.S. Case No. 195 of 2024 (G.R. No. 1926 of 2024) instituted
for the offences under Sections 309(6), 317(5) of the B.N.S.S.,
2023 and Section 25(1-b)a, 26, 35 of the Arms Act.

3. As per prosecution case, the police has recovered a
country-made pistol, one live cartridge from the possession of
co-accused Pramod Kumar Yadav. The police have also
recovered two motorcycles having no valid papers.

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



due to ill motive of the police as also on the basis of criminal antecedent of the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is neither eye-witness nor any independent witness who have seen the petitioner near the place of occurrence. The name of the petitioner has surfaced in this case on the basis of the confessional statement of co-accused Pramod Kumar Yadav and except this, there is nothing against the petitioner in this case. The petitioner is not the owner of the seized motorcycle. The petitioner has no concern with the alleged occurrence. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has three criminal antecedent and in all of them, he is on bail and is languishing in judicial custody since 01.09.2024 without any rhyme 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 Pandaul P.S. Case No. 195 of 2024 (G.R. No. 1926 of 2024).

(Rudra Prakash Mishra, J)

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