

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6195 of 2024

Arising Out of PS. Case No.-494 Year-2023 Thana- SAUR BAZAR District- Saharsa

Nitish Kumar (M), aged about 22 years, S/O Late Prahlad Sah, resident of village- Saur Bazar, Ward No. 2, Ps. Saur Bazar, Dist. Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate.

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Saur Bazar P.S. Case No. 494 of 2023 instituted for the offence under Sections 25(1-B)a and 26 of the Arms Act.

3. As per prosecution case, on getting secret information, when the police reached the place of occurrence, on seeing them one person started to flee away but he was apprehended and in course of search one loaded country made pistol was recovered from his pant at the left side of his waist.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 23.08.2023. Petitioner has no criminal antecedent, 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 further submitted that the police arrested this petitioner on the place of occurrence just because of suspicion. The petitioner has got no concern with the said recovery. No incriminating article has been recovered from the conscious possession of the petitioner.

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 and the petitioner has no criminal antecedent, 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 Saur Bazar P.S. Case No. 494 of 2023.

(Rudra Prakash Mishra, J)

Nilmani/-

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