

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19637 of 2025

Arising Out of PS. Case No.-618 Year-2024 Thana- BEUR District- Patna

Nishant Kumar @ Chhota Nishu @ Nishant @ Chhota Nishu @ Nishant
Chhota Nishu Son of Rajendra Prasad Resident of Saichak, Harendra Singh
ke Makan me Kirayedar, P.S. - Beur, District- Patna, Permanent Resident of
Baxi Maidan, P.S. - Chowk, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
Mr. Rahul Raj, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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

ORAL ORDER

3 10-07-2025 Heard learned counsel for the petitioner, learned

APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Beur
P.S. Case No. 618 of 2024, instituted for the offences punishable
under Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, during raid,
the police recovered a loaded country made pistol along with
two live cartridges from a room in the house of co-accused,
Harender Singh.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the alleged recovery of arms have been made from the house of co-accused, namely, Harender Singh and the petitioner has got no concern either with the recovery of arms or with the co-accused person. The petitioner is in custody since 16.10.2024 and has got seven criminal antecedents in which he is on bail. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Beur P.S. Case No. 618 of 2024, 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.

(III) The petitioner will not leave the territorial jurisdiction of the Court below without its prior permission for the same.

(Rudra Prakash Mishra, J)

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