

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19791 of 2025

Arising Out of PS. Case No.-359 Year-2024 Thana- CHAKIA District- East Champaran

Nishant Kumar @ Nishant Maurya S/o Ram Pukar Kushwaha R/o Vill.- Ghanshyam Pakdi, P.S.- Pipra, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 24986 of 2025

Arising Out of PS. Case No.-359 Year-2024 Thana- CHAKIA District- East Champaran

Kundan Kumar Thakur @ Kundan Thakur S/o Fudena Thakur R/o Vill.- Bullachak Gawandra, P.S.- Chakiya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 19791 of 2025)
For the Petitioner/s : Mr. Rahul Singh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 24986 of 2025)
For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 15-07-2025 Heard learned counsels for the petitioners and learned
Additional Public Prosecutor for the state.

2. The petitioners seek bail in a case registered for the offences punishable under Sections 308(4) of B.N.S. and Section 27 of Arms Act.

3. As per the prosecution case, the informant has alleged that while he was in a shop, he received a call, however,



the same was disconnected and subsequently at around 11:30 A:M, two persons riding on a black motorcycle, came near his shop and fired two shots in front of his shop and fled away.

4. Learned counsels for the petitioners submit that they have falsely been implicated and admittedly they are not named in the FIR. It has further been submitted that the petitioners have been taken into custody merely on suspicion as they had criminal antecedent. Learned counsel appearing on behalf of petitioner Nishant Kumar @ Nishant Maurya has stated that during the course of investigation, it is alleged that on his confessional statement, the said arm was recovered from the petitioner Kundan Kumar Thakur @ Kundan Thakur. However, it has been contended that the said arm was the arm used in the present case or the petitioners were involved in the alleged firing, has not been ascertained by the police. Learned counsels for the petitioners further pointed out that though the arm is stated to have been seized on 31.10.2024, however, the same was brought to the knowledge of learned Court below on 02.12.2024, raising serious doubt over the conduct of the prosecution. It has lastly been submitted that the petitioner Nishant Kumar @ Nishant Maurya has one criminal antecedent and he is in custody since 01.11.2024 while petitioner Kundan



Kumar Thakur @ Kundan Kumar has three criminal case, in which he has been acquitted in one of the case while he is on bail in other two cases and he is also in custody since 01.11.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that on the confessional statement of the petitioner, namely, Nishant Kumar @ Nishant Maurya a country-made pistol was recovered from the other petitioner, namely Kundan Kumar Thakur @ Kundan Kumar and as such the confessional statement cannot be discarded.

6. Considering the aforesaid submissions and taking into account the period of custody, let the petitioners above named, are directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chakia P.S. Case No. 359 of 2024, subject to the the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present



in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioners, the petitioners are directed to appear before the Superintendent of Police, East Champaran within fifteen days of their release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court



concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioners before the court concerned.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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