

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19851 of 2025

Arising Out of PS. Case No.-121 Year-2024 Thana- ALIPUR District- Gaya

Nilesh Kumar Singh @ Nilesh Kumar Son of Vimlesh Singh @ Lalidevi
Singh Village- Madarpur PS -Alipur Dist -Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shams Alam, Adv.
For the State : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Alipur
P.S. Case No. 121 of 2024 registered for the offences punishable
under Section 309(4) of B.N.S. and Sections 25(1-B)(a), 26, 35
of the Arms Act.

3. As per prosecution case, on 18.08.2024 informant
was going to his house, in the way two persons surrounded him
and on the point of katta snatched the mobile of the informant
and fled away towards forest. On call police came there and
chased the miscreants. It is alleged that petitioner along with
others were apprehended and on their disclosure one country
made pistol and mobile of informant have been recovered.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that petitioner is a labour and he was going in connection with his livelihood but he was apprehended by the police on the basis of suspicion. He further submits that from perusal of FIR it is not clear that from whose possession country made katta has been recovered. He further submits that mobile has been recovered from possession of other apprehended person. In this way, nothing has been recovered from conscious possession of the petitioner. He further submits that petitioner has not in any way connected with the alleged occurrence. Petitioner is in custody since 19.08.2024 and bears criminal antecedent of one case which is not similar to the present case. Charge sheet has been submitted in the case, as mentioned in the impugned order and hence, there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both



sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya in connection with Alipur P.S. Case No. 121 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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