

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21620 of 2025

Arising Out of PS. Case No.-1191 Year-2024 Thana- PHULWARISHARIF District- Patna

Nishant @ Chhota Nishant @ Nishu @ Chhota Nishu Son of Rajendra Prasad
Resident of Saichak, Harendra Sihng ke makan me kiraayedar, PS-Beur,
District-Patna permanent resident of Baxi Maidan, PS- Chowk, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Raj, Advocate
Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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

ORAL ORDER

4 16-07-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 1191 of 2024 instituted for the
offence under Sections 109, 308(3), 352, 351(3) & 3(5) of the
Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. Prosecution case, in short, is that on 16.08.2024,
three miscreants on a motorcycle fired 9-10 rounds in the air
near Durga Mandir and threatened shopkeepers to shut their
shops. One miscreant was referred to as “Nishu” during the
incident. Police recovered three bullet cartridges from the spot.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 04-12-2024. Petitioner bears five criminal antecedents, 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. There is no specific allegation against the petitioner. No persons have sustained any injury and as such, no offence is made out under Section 109 of the BNS. Nothing has been recovered from the possession of the petitioner. It is evident from the FIR that there is no specific allegation of extortion against any accused person. Charge sheet is submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that witnesses have supported the prosecution case. Moreover, three empty cartridges were found on the place of occurrence.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, since no person has sustained injury in the occurrence and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after*



framing of charge, if not already framed, 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 Phulwarisharif P.S. Case No. 1191 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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