

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35380 of 2025

Arising Out of PS. Case No.-63 Year-2025 Thana- AMBA District- Aurangabad

Nitish Kumar @ Nitesh Kumar Son of Ashok Bhuiyan Resident of village -
Bhaluari Khurd, P.S.- Amba, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Amba
P.S. Case No. 63/2025 registered for the offences under Sections
25(1-b)a/26/35 of Arms Act.

3. As per the prosecution case, the police had received
information that a video had gone viral on instagram where
someone was seen brandishing arms. The police found that the
Instagram Id belonged to a co-accused namely Vicky Kumar
and on his disclosure one country made pistol was recovered
from the house of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case and his name has surfaced in the confessional statement of



co-accused Vicky Kumar. Learned counsel further submits that admittedly no cartridge has been recovered from the possession of the petitioner and even the said recovery is stated to have been made in his absence, from the house of the petitioner. It is lastly submitted that the petitioner has clean antecedent and is in custody since 24.03.2025, while Vicky Kumar is out on bail.

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

6. Considering the aforesaid facts and circumstances of the case and taking into account that the petitioner has clean antecedent, let the petitioner above-named be enlarged 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 the learned C.J.M., Aurangabad in connection with Amba P.S. Case No. 63/2025 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to the



cancelled by the court concerned.

d. The Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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