

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34513 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- MUSAHARI District- Muzaffarpur

Nitesh Kumar S/o- Vishwanath Patel Resident of village- Jagdishpur kothiya
P.s-Tariyani District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-06-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The present Criminal Miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”) for seeking regular bail in connection with Mushahari P.S. Case No.268 of 2024 lodged on 25.10.2024 under Sections 317(5) and 55 of the Bharatiya Nyaya Sanhita, 2023 read with Sections 25(1-AA), 26 and 35 of the Arms Act.

3. As per the prosecution, the F.I.R. has been lodged against two named accused persons including the petitioner against whom there is an allegation of recovery of one automatic pistol with 8 live cartridges and 58 live cartridges from a box has been made from a four wheeler where both



accused persons were sitting.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the petitioner is a driver who is completely unknown and what has been kept in the owner of the vehicle of the said car.

5. Learned Counsel also submits that the petitioner is in custody since 26.10.2024 and his antecedent is clean.

6. Learned APP for the State opposes the prayer for bail and submits that there are 11 criminal antecedents against the co-accused, but petitioner is a man of clean antecedent. He further submits that recovery has been made from the said vehicle on which both persons were sitting and tried to fled away.

7. Upon specific query whether charge has been framed or not. Counsel submits that he is not aware about the framing of charge.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate, 1st Class (East),



Muzaffarpur in connection with Mushahari P.S. Case No.268 of 2024, subject to the following conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J.)

Prakashmani/-

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