

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40492 of 2025**

Arising Out of PS. Case No.-81 Year-2024 Thana- DUMARIYA District- Gaya

Nitish Kumar S/o Faguni Yadav R/o Village- Mahulaniya, P.S.-  
Chhakarbandha, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Paras Nath, Adv.

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

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

2      03-07-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Dumariya P.S. Case No. 81 of 2024 instituted for the offences  
under Sections 25(1-B)a, 26/35 of the Arms Act.

3. As per prosecution case, the accusation against the  
accused persons including the petitioner is of being involved in  
committing robbery. It is alleged that the police reached at the  
place of occurrence and arrested the accused persons including  
the petitioner. It is further alleged that on the confessional  
statement of co-accused Rustam Kumar, the police has  
recovered one country-made pistol with three live cartridges  
loaded in magazine as well as one fired shell from the paddy  
field.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that though the petitioner is named in the F.I.R. but nothing incriminating has been recovered from his conscious/physical possession. The petitioner has one criminal antecedent. The petitioner was arrested on 06.10.2024 in connection with Bodhi Bigha P.S. Case No. 61 of 2024 and remanded in this case on 29.10.2024 and, since then, he is in custody without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that the confessional statement of the co-accused Rustam Kumar has led to recovery of one loaded country-made pistol with three live cartridges in magazine and one fired shell from the paddy field. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail 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 Dumariya P.S. Case No. 81 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

**(Rudra Prakash Mishra, J)**

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