

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43324 of 2025

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

Nitish Kumar S/o Maheshwar Paswan R/o Village- Chhakarbanda, P.S.-
Dumariya, Dist.- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Adv.
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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

ORAL ORDER

2 16-07-2025 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.

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. He further submits that nothing incriminating/looted article has been recovered from the conscious possession of the petitioner. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the petitioner himself. There is no independent corroborative evidence to substantiate the involvement of the petitioner in the alleged occurrence. The alleged country made pistol and fired ammunition were recovered on the disclosure statement made by the co-accused Rustam Kumar and not at the instance of the petitioner. The petitioner was taken into custody in connection with Bodhibigha P.S. Case No. 61 of 2024 and his confessional statement was recorded by the police under duress which has no evidentiary value in the eye of law. He further submits that in the entire investigation, not an iota of evidence has come against the petitioner showing his complicity in the alleged occurrence. The petitioner has no concern with the alleged occurrence. The petitioner has one



criminal antecedent and is languishing in judicial custody since 29.10.2024.

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 is serious in nature.

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

(Rudra Prakash Mishra, J)

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