

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57866 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- CHERKI District- Gaya

Md. Nazish Khan @ Mohammad Nazish @ Mohammad Nazish Khan S/O
Late Tadbir Ali @ Md. Tadbir Ali R/O Village- Manjhar, P.S.- Gurua, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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

ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Cherki
P.S. Case No. 61 of 2025 instituted for the offence under
Sections 25(1-b)a, 26 & 35 of the Arms Act.

3. Prosecution case in short is that there is recovery of
one country made pistol, one country made sixer, one empty
magazine, one live cartridge, ten empty cartridges and Rs.
9,500/- cash from the possession of the co-accused, namely,
Jaish Ali.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 30-04-2025. Petitioner
bears one criminal antecedent, 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. Name of the petitioner is disclosed by apprehended co-accused person. It is submitted that petitioner has no concern with the recovered arms. Nothing has been recovered from either conscious or physical possession of the petitioner. Learned counsel next submits that police after investigation has already submitted charge sheet in this case. There is no compliance of Section 103 of the BNSS, 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no recovery from the petitioner's possession and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Cherki P.S. Case No. 61 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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