

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2663 of 2026

Arising Out of PS. Case No.-428 Year-2025 Thana- JANDAHA District- Vaishali

Nitesh Kumar S/o Late Bechan Sahni R/o vill- Mukundpur, Gopinath, PS-
Jandaha, District- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghu Raj Pratap, Advocate
		Mr. Jaya Singh, Advocate
For the Opposite Party/s	:	Mr. Bishweshwar Ray, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 23-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in Jandaha P.S.
Case No. 428 of 2025 dated 25.10.2025, registered under
Sections 25(1-B)(i), 25(ix), 26 and 35 of the Arms Act.

3.As per the allegations made in the FIR, a video was
flashed on social media wherein the co-accused, Ankit Kumar,
was seen brandishing a pistol. It is further alleged that after
search, one country-made pistol and one live cartridge were
recovered from the house of the said Ankit Kumar. During
interrogation, the said co-accused disclosed the name of the
petitioner stating that the petitioner had handed over the
aforesaid pistol to him for safe-keeping.



4.Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that the name of the petitioner has surfaced in the instant case merely on the basis of the disclosure made by the co-accused, Ankit Kumar. No incriminating article has been recovered either from the conscious possession or from the house of the petitioner. On the contrary, the alleged country-made pistol and live cartridge were recovered from the house of the co-accused, Ankit Kumar, who has already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 28.01.2026 passed in Cr. Misc. No. 4096 of 2026. Lastly, it is submitted that the petitioner has been in custody since 27.10.2025 and four criminal cases are stated to be pending against him.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court Sub Judge -VIII cum- ACJM -VIII, Vaishali at Hajipur or concerned Court in



connection with Jandaha P.S. Case No. 428 of 2025, subject to the following conditions:(i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the framing of charge in this case.

7. The application stands allowed.

(Khatim Reza, J)

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