

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22051 of 2026

Arising Out of PS. Case No.-169 Year-2022 Thana- PHULWARIA District- Begusarai

Nitish Kumar S/O Gopal Singh R/O Vill.- Pahsara, P.S.- Nawkothe, Dist.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate
For the Opposite Party : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-04-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Phulwaria P.S. Case No.169 of 2022 registered for the offence
under sections 25(1-B)A/26/35 of the Arms Act.

3. It is alleged that one country made pistol and
two live cartridges have been recovered from the petitioner.

4. Learned counsel for the petitioner submits
that the petitioner is in custody since 11.10.2022 and this case is
triable by the Magistrate and the maximum punishment is of
three years. He further submits that the petitioner is accused in
15 more criminal cases.

5. In my opinion, considering the custody of
the petitioner, he should have been advised to plead guilty in the
Court below.



6. In these circumstances, this application is disposed of with a direction to the trial Judge to explain it to the accused that he has served the maximum punishment of three years and if he pleads guilty, he will be released from the custody. In case, the petitioner still does not plead guilty after being told about the legal consequences, he shall be released on bail by the Court below.

(Sandeep Kumar, J)

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