

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8875 of 2025

Arising Out of PS. Case No.-723 Year-2024 Thana- BIHTA District- Patna

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Amar Rai Son of Ram Lal Rai Resident of Village - Suwarmarwan Tata
Colony Madhopur, P.S. - Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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

ORAL ORDER

4 25-06-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bihta
P.S. Case No. 723 of 2024 instituted for the offence under
Sections 308(2) & 308(4) of the Bharatiya Nyaya Sanhita, 2023
and Sections 25(1B)(a), 26 & 35 of the Arms Act.

3. The prosecution alleges that the petitioner was
caught during a police raid at Amnabad Bakas Ghat while trying
to extort money from boat operators. A carbine with three live
cartridges, marked “*Made in USA No. 5432*”, was recovered
from his possession.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 07-08-2024. Petitioner



bears thirteen (13) criminal antecedents, 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. Learned counsel for the petitioner submits that from perusal of the FIR, it would manifest that only petitioner was allegedly arrested from the spot, while other co-accused managed to fled away. Learned counsel goes on to submit that petitioner has no concern with the recovered arms and recovery is planted by the police party, which is evident from the fact that there is no independent witness to the seizure list. Learned counsel for the petitioner submits that there is no compliance of Section 103 of the BNSS, 2023. It is lastly submitted that police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and contended that petitioner bears thirteen (13) criminal antecedents, hence, he does not deserve the privilege of regular bail.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, nature of



accusation and charge sheet having been submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, 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 Bihta P.S. Case No. 723 of 2024, subject to the following conditions;

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(IV) If the petitioner is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an



appropriate application before the court below for
cancellation of his bail.

(V) The petitioner will not leave the territorial
jurisdiction of the court below without its prior permission.

(Rudra Prakash Mishra, J)

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