

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3054 of 2025

Arising Out of PS. Case No.-145 Year-2024 Thana- MAHINDWARA District- Sitamarhi

Rahul Kumar S/o Rameshwar Rai R/o Village- Batrauli, P.S.- Mahindwara,
Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj

For the Opposite Party/s : Mr.Md. Fahimuddin

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

ORAL ORDER

2 28-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Mahindwara P.S. Case No. 145 of 2024 instituted for the offences under Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per prosecution case, the police, on the disclosures made by the accused persons including the petitioner, has recovered two country-made pistols, two live cartridges from the bag hanging on the tree.

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 only on the basis of dirty village politics. He further submits that



nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the other co-accused of this case. Charge-sheet has been submitted in this case. The petitioner has no concern with the seized articles. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 10.10.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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 and the petitioner having no criminal antecedent, 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 Mahindwara P.S. Case No. 145 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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