

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3868 of 2025

Arising Out of PS. Case No.-106 Year-2024 Thana- Baijnathpur District- Saharsa

Krishna Kumar S/o- Kamleswari Paswan Village-Itahara ward no 8, Ps-
Baijnathpur Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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

ORAL ORDER

2 30-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Baijnathpur P.S. Case No. 106 of 2024 instituted for the offence
under Sections 317(2), 317(5) & 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. On tip off police party raided the spot and
apprehended two accused persons, including the petitioner and
one country made pistol without cartridge was ganged on
machan.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 15-09-2024. 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. So far as recovery of arms is concerned, it would reveal from the FIR itself that the same is recovered from *machan*, an open place accessible to one and all. Only one mobile phone is recovered from the possession of the petitioner, which belongs to him. 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, manner of petitioner's implication and nature of accusation, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Baijnathpur P.S. Case No. 106 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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