

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5436 of 2025

Arising Out of PS. Case No.-330 Year-2024 Thana- KOILWAR District- Bhojpur

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Banti Kumar S/O Dharbari Rai @ Darbari Rai Resident of Village-
Soneghatta, P.S.- Gidha, Distt.- Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Koilwar P.S. Case No. 330 of 2024, registered for the alleged offences under Sections 25(1-b)a,26,35 of the Arms Act.

3. As per prosecution case, the police arrested the petitioner in connection with Koilwar P.S. Case No. 329 of 2024 registered under Sections 109, 3(5) of B.N.S. and Section 27 of the Arms Act. At the instance of the petitioner, recovery of country made pistol along with magazine and one live cartridge were made and a motorcycle was also seized.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. From the FIR it is clear that the recovery has been made from an open space accessible to all and petitioner has no concern either from the place from where the recovery has been made or the articles seized by the police. The FIR also makes it very clear that the place of occurrence of Koilwar P.S. Case No. 329 of 2024 was not even inspected by the police and it could be safely concluded that this petitioner was apprehended in this case at the instance of the informant of the said case. The petitioner is in custody since 15.08.2024 and charge sheet has been submitted. The petitioner is having antecedent of one, i.e., Koilwar P.S. Case No. 329 of 2024.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner used the weapon and made an attempt on the life of the informant of Koilwar P.S. Case No. 329 of 2024. Learned APP further submits that at the instance of the petitioner, the firearms and motorcycle were recovered.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to 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 learned Chief Judicial Magistrate, Bhojpur at Ara/concerned Court in connection with Koilwar P.S. Case No. 330 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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