

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7631 of 2025

Arising Out of PS. Case No.-573 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Ram Babu Kumar S/O Mohar Patel Resident of Village- Ramjee Tola, P.S-
Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

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

ORAL ORDER

2 17-02-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Town
P.S. Case No. 573 of 2024 instituted for the offence under
Sections 111(4), 111(2), 111(2)(b) of the Bharatiya Nyaya
Sanhita, 2023 and Sections 26(2), 35, 25(1-A), 25(1-B)(a) of the
Arms Act.

3. Prosecution case in brief is that on a tip off, police
during course of patrolling, intercepted three accused persons,
including the petitioner and on search, there is recovery of one
automatic country made pistol, two live cartridges and one
mobile phone from the possession of the petitioner.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 10-09-2024. Petitioner bears no 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. Petitioner has no concern with the recovered arms. No incriminating article has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that there is no compliance of Section 103 of the BNSS, 2023. It is next submitted that there was a situation of pandemonium and stampede at the time of chase of the offender, who succeeded in making good escape after throwing arms and motorcycle and the petitioner, while crossing the road at the very point of time, appears to have fallen prey to the tragic circumstances, and was apprehended on suspicion.

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 and manner of petitioner's implication, 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 Town P.S. Case No. 573 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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