

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7681 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- Banma Itahari District- Saharsa

Sajan Kumar Son of Ashok Sahni Resident of Village - Harahari, P.S.- Banma Itahari, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

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 Banma Itahari P.S. Case No. 94 of 2024 instituted for the offence under Sections 310(4), 310(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. Prosecution case in short is that police on a tip off regarding assembly on anti-social elements conducted raid and apprehended accused persons, including the petitioner and on search, there is recovery of one mobile phone from the possession of the petitioner. Arms is recovered from other co-accused persons.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 18-09-2024. Petitioner bears no 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. No incriminating article has been recovered from the possession of the petitioner. Learned counsel submits that petitioner had gone to purchase medicine, and in the meantime, he has become the victim of the circumstances. Bike in question belongs to the petitioner. No arms is recovered from the possession of the petitioner and he has no concern with the same. There is no compliance of Section 103 of the BNSS, 2023. It is lastly submitted that charge sheet has been submitted in this case.

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, there being no recovery of any incriminating article and charge sheet being submitted, 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 Banma
Itahri P.S. Case No. 94 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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