

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8938 of 2025

Arising Out of PS. Case No.-176 Year-2024 Thana- PRATAPGANJ District- Supaul

1. Aashutosh Kumar @ Ashutosh Anand S/O- Upendra Mandal, Resident of Village-Bhelahi, P.S.-Sadar, Supaul, District-Supaul, at present residing At & P.O.-Supaul, P.S. & District-Supaul
2. Vikash Kumar, Son of Ajendra Yadav, Resident of Village-Majurva, P.S.-Triveniganj, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 09-05-2025 Heard Mr. Arun, learned counsel for the petitioners
and Ms. Anita Kumari, learned APP for the State.

2. Petitioners seek regular bail in connection with Pratapganj P.S. Case No. 176 of 2024 dated 17.09.2024 registered for the offences punishable under Sections 310(4) and 310(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'B.N.S.') and under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. The main submissions advanced by petitioners' counsel are that as per the prosecution's story, four accused persons including the petitioners were apprehended at the spot and other three co-accused persons managed to escape upon seeing the police party, though, as per the allegation, both the



petitioners are alleged to have been apprehended at the spot but from their possession, no any incriminating material is said to have been recovered and they are said to be simply present with the other accused persons at that time and the allegation as to recovery of the firearms is against the co-accused, Rahul Kumar, and not against the said petitioners. It is further submitted that both the petitioners are young having fair and clean antecedents and have been languishing in jail since 18.09.2024 and against them, the investigation has been completed.

4. Though, learned APP has opposed the prayer for bail of the petitioners but fairly accepted that from the possession of the petitioners, no any incriminating material was recovered and a loaded country-made pistol and cartridge are alleged to have been recovered from the possession of the co-accused, Rahul Kumar.

5. Considering the facts and circumstances of this case as well as aforesaid submissions and mainly the young age of both the petitioners, their custody period and the nature of allegation appearing against them and also coupled with the completion of investigation against them, this Court is inclined to release them on bail. Accordingly, let the petitioners named-



above be enlarged on bail on furnishing bail bond of Rs.
20,000/- (Rupees Twenty Thousand) each with two sureties of
the like amount each to the satisfaction of the concerned Court
in connection with Pratapganj P.S. Case No. 176 of 2024.

(Shailendra Singh, J)

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