

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10508 of 2025**

Arising Out of PS. Case No.-450 Year-2024 Thana- RAJAPAKAR District- Vaishali

Prem Raj S/o Jay Prakash Kumar Res of Vill.- Dayalpur, P.S.- Rajapakar  
Baranti, O.P. Dist - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Vinod Shanker Modi

**CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH**  
**ORAL ORDER**

3      09-05-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Rajapakar P.S. Case No. 450 of 2024 registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution story, the informant being a police official has alleged that on 22.11.2024, upon secret information when the police raided the place of occurrence, they saw that two persons started fleeing away after seeing the police. Both persons were apprehended on the spot and upon interrogation, they disclosed their name as Prem Raj (petitioner) and Ravi Ranjan. Upon search, one country made pistol and one blue coloured Samsung mobile phone have been recovered from



the possession of Prem Raj (petitioner) and one live cartridge was recovered from the possession of the Ravi Ranjan.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case due to ulterior motive of police/informant. Nothing incriminating has been recovered from the possession of the petitioner rather the police/informant has planted false case against petitioner showing recovery of country made pistol from the possession of the petitioner. From perusal of F.I.R. as well as seizure list, it appears that, from possession of the petitioner, only country made pistol has been recovered but no cartridge has been recovered from the possession of the petitioner as without cartridge country made pistol has no use. Learned counsel further submits that there is non-compliance with mandatory procedure prescribed for the recovery under Section 103 of BNS. After completion of investigation, chargesheet has been submitted by the police in this case. The petitioner is in languishing in jail since 23.11.2024.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Keeping in view the aforesaid facts and considering the period under custody, let the petitioner, above named, be



released on bail **after framing of charge** 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, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 450 of 2024 subject to the following conditions :-

(i). Petitioner will remain physically present in trial on each and every date till the disposal of the case failing which, on two consecutive dates without reasonable cause, the bail bond of the petitioner may be cancelled by the Trial Court.

(ii). One of the bailor shall be his family member.

**(S. B. Pd. Singh, J)**

Ankit Kumar/-

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