

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11908 of 2025

Arising Out of PS. Case No.-437 Year-2024 Thana- DUMRA District- Sitamarhi

Mintu Kumar Son of Hulas Mahto Resident of Village - Lagama, Ward No. 12, P.S. - Dumra, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 04-03-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Dumra P.S. Case No. 437 of 2024 instituted for the offences under Sections 317(4), 317(5) of Bharatiya Nyaya Sanhita, 2023 and 25(1-b)a, 26, 35 of the Arms Act.

3. Prosecution case, in short, is that, police intercepted two persons including this petitioner and recovered arms and ammunitions along with a motorcycle. On being asked for the valid documents in support of the motorcycle, they failed to produce any paper.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No



incriminating article has been recovered from the conscious possession of the petitioner. As per FIR one motorcycle has been recovered from this petitioner, however, no any arms and amminitions has been recovered from this petitioner and the same has been recovered from the co-accused. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunitions or with the motorcycle. There is no compliance of Section 103 of the BNSS. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.09.2024 and has three criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Dumra P.S. Case No. 437 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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