

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15095 of 2025

Arising Out of PS. Case No.-1038 Year-2024 Thana- BIHTA District- Patna

Congresh Kumar Son of Satyananad Prasad @ Satya Nand Prasad @ Satya Prasad Village - Genda tola, Sadisopur, P.S.- Bihta, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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

ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bihta
P.S. Case No. 1038 of 2024 instituted for the offences under
Sections 25(1-B), 26, 27, 35 of the Arms Act.

3. As per prosecution case, the police has recovered
one country-made pistol containing one live cartridge along
with other three live cartridges from the possession of the
petitioner. The police has also recovered five live cartridges
from the possession of co-accused Mithilesh Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



due to malafide intention. He further submits that the petitioner had taken lift on the seized motorcycle and had no knowledge that the co-accused was carrying weapon. He further submits that the country-made pistol and cartridges were recovered from the possession of the co-accused and the petitioner has no concern either with the co-accused or with the seized articles. He further submits that the seized motorcycle bearing Regd. No. BR01BF 9003 is registered in the name of uncle of the co-accused Mithilesh Kumar and, thus, the petitioner has no concern with the seized motorcycle. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 09.11.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that from the possession of the petitioner and the co-accused, one country made loaded pistol and eight live cartridges were recovered. He further submits that from the possession of the petitioner, the police has recovered one live cartridge and three other live cartridges. The offence alleged is serious in nature and, hence, the petitioner does not deserve bail.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Bihta P.S. Case No. 1038 of 2024.

(Rudra Prakash Mishra, J)

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