

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23643 of 2025

Arising Out of PS. Case No.-175 Year-2024 Thana- SOHSARAI District- Nalanda

Gautam Kumar Son of Awadhesh Mahto Resident of Village- Belthan, P.S.-
Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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

ORAL ORDER

3 11-04-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Sohsarai P.S. Case No. 175 of 2024, instituted for the offences
punishable under Sections 317(4), 317(5) of the Bharatiya
Nyaya Sanhita, 2023 read with Sections 25(1-B)(a), 26 and 35
of the Arms Act.

3. The prosecution case, in short, is that, in course of
vehicle checking, the police apprehended the petitioner along
with other co-accused persons and on search, there is recovery
of Rs. 1,30,000/- and one mobile phone from the possession of
the petitioner. It is further alleged that some arms were also
recovered from other co-accused persons.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is a property dealer and the recovered money and mobile phone belongs to himself. The petitioner has got no concern with the alleged recovery of arms. The petitioner is in custody since 25.7.2024 and has got three criminal antecedents in which he is on bail in one case. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 13.02.2025 passed in Cr. Misc. No. 6115 of 2025.

5. Learned APP 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 and taking into account 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 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Sohsarai P.S. Case
No. 175 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.

(Rudra Prakash Mishra, J)

Rajorshi/-

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