

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21365 of 2025

Arising Out of PS. Case No.-399 Year-2024 Thana- BELDOUR District- Khagaria

Nirmal Kumar Son of Sulen Yadav Resident of village - Pirangara, P.S.-
Beldaur, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Beldour P.S. Case No. 399 of 2024 registered for the alleged offences under Sections 132, 109, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 26, 27, 35 of the Arms Act.

03. As per prosecution case, police received information about assembly of some armed criminals and the police party and the STF team surrounded the area. The criminals, on seeing the police party, opened fire upon them. The police retaliated and miscreants fled away leaving behind their motorcycles. However, this petitioner was apprehended and on search of the petitioner, one loaded country made *Katta*



with one cartridge and one bandolier containing 12 live cartridges apart from three motorcycles and a mobile phone were recovered.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner and the recovery has been planted. There is no independent witness to the search and seizure. Learned counsel further submits that though there is allegation that the miscreants opened fire on police party but no one sustained any injury and no spent cartridge was recovered from the place of occurrence. The petitioner is having antecedent of four cases and he is on bail in all such cases except one. The petitioner is in custody since 18.11.2024 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioner was caught red handed with firearms and ammunition.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Chief Judicial Magistrate, Khagaria in connection with Beldaur P.S. Case No. 399 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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