

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23681 of 2025

Arising Out of PS. Case No.-250 Year-2024 Thana- AMAS District- Gaya

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Bishal Kumar S/o- Pramod Das Resident Of Village- Devanchak, Mangrawa,
P.S.- Guraru, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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

ORAL ORDER

2 11-04-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Amas
P.S. Case No. 250 of 2024, instituted for the offences punishable
under Section 309(5) of the Bharatiya Nyaya Sanhita, 2023 read
with Section 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused person forcibly tried to break door
of counter of Customer Service Centre which belongs to the
informant. On alarm, local people gathered at the spot and both
the accused persons were caught by the local people and police.
On search, a country made pistol along with one live cartridge
has been recovered from the possession of co-accused person



and only one live cartridge has been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that no any looted articles have been recovered from the possession of the petitioner. The petitioner has got no concern with the alleged recovery of arms. The petitioner was arrested on the basis of suspicion. The petitioner is in custody since 30.07.2024 and has got five criminal antecedents in which he is on bail in four cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 17.12.2024 passed in Cr. Misc. No. 86218 of 2024.

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 *after framing*



of charge, if not already framed 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 Amas P.S. Case No. 250 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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