

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24114 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- BANJARIA District- East Champaran

Manoj Kumar, Male, aged about 19 years, Son of Garbhu Yadav, Resident of
Village- Khairi, P.S.- Banjariya, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Banjariya P.S. Case No. 12 of 2025 instituted for the offences
punishable under Sections 25(1-b)A, 26 and 35 of the Arms Act.

3. As per the prosecution case, one loaded *katta* with
live cartridges has been recovered from the accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to dirty village politics.
He submits that nothing has been recovered from the conscious
possession of the petitioner and the alleged recovery is from the
possession of one co-accused Raja Hussain, petitioner has no
concerned with the said co-accused Raja Hussain. Petitioner



has got clean antecedent as stated in para 3 of the petition is in custody since 07.01.2025.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Additional Sessions Judge-IV, East Champaran, Motihari dated 01.03.2025, it appears that petitioner is named in the FIR. From perusal of the records, it appears that on the basis of written report of the informant Pankaj Kumar, Police Sub-Inspector, FIR has been registered under Sections 25(1-b)A, 26 and 35 of the Arms Act against two accused persons including the present petitioner. It also appears that at the time of occurrence two accused persons have been arrested by the police personnel in suspected condition, after searching, one loaded *Katta* with one live cartridges have been recovered from the possession of other co-accused person namely, Raja Hussain. The name of the petitioner was implicated by the police on the basis of arrested person Raja Hussain that the recovered arms given by this petitioner but there is no any recovery from the conscious possession of the petitioner and he is in custody since 07.01.2025. It is submitted by learned counsel for the petitioner that investigation is already completed against the petitioner and chargesheet has been submitted in this



case and the petitioner has got clean antecedent as stated in para 3 of the petition, so consider all these aspects of the case and submission of learned counsel for the petitioner, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Banjariya P.S. Case No. 12 of 2025.

(Ramesh Chand Malviya, J)

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