

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26511 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- PHULWARIA District- Begusarai

Md. Sarfaraz @ Sannu son of Md. Harun Resident Of Village -Bihpur, Ward
No 3, Ps- Bihpur, District -Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Phulwaria P.S. Case No. 01 of 2025 registered for the alleged offences under Sections 309(6), 311, 111(1), 317(3) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, on getting information about a suspicious vehicle, police party reached there and found three persons including this petitioner sitting in the said vehicle. From search of the co-accused Badal Kumar, a country made *katta* loaded with one live cartridge was recovered. From this petitioner, recovery of a toy pistol was made. Apart from the aforesaid recovery, mobile phones were also recovered from the petitioner and other co-accused persons.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution case is not believable against the petitioner that he was going to commit some crime, as the presence of the toy pistol is inexplicable. The petitioner is an unemployed youth and he took lift in the vehicle being driven by the co-accused. Learned counsel further submits that save and except the mobile phone and educational certificate of the petitioner, nothing incriminating was recovered from the person or possession of this petitioner. The petitioner is having antecedent of one case in which he is on bail. The petitioner is in custody since 02.01.2025 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 and recovery of a firearm has been made from the co-accused.

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 Judicial Magistrate-1st Class, Begusarai/court concerned in connection with Phulwaria P.S. Case No. 01 of 2025, 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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