

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27837 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- BACHHWARA District- Begusarai

Gaurav Kumar S/O Yogendra Prasad R/O Village- Barh, Dayachak, P.S- Barh,
Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar Tripathi, Adv.
For the State : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 310(4), 310(5), 338, 336(3), 340(2), 317(2), 317(3), 317(5) of the B.N.S. and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. The allegation in the FIR is that two persons, namely, Murari Jha and Dhiraj Kumar were arrested and fire arms were recovered from their possession and upon their interrogation, it was revealed that Subhash Jha and Abhishek Kumar were planning a dacoity whereupon a raid was conducted at the lounge near Janakpur Postal Park where seven accused persons were found present and upon search of the said room, the police recovered some firearms and other articles.



4. Learned counsel for the petitioner submits that this petitioner is one of those seven persons who were allegedly present in the lounge. However, no recovery has been made from his physical and conscious possession and this would be evident from the seizure list which shows a general recovery. Learned counsel for the petitioner draws the attention of this Court to an order dated 26.05.2025 passed in Cr. Misc. No. 32998 of 2025 whereby other similarly situated co-accused persons have been granted the privilege of regular bail. Some other accused persons of the case have also been enlarged on bail. It is next submitted that the petitioner has been languishing in custody since 11.02.2025 and the charge sheet has also been submitted in the present case.

5. Learned APP for the State, however, opposes the prayer for regular bail, besides others, on the ground that petitioner has one criminal antecedent as has been brought on record by way of supplementary affidavit. In response to the same, it is submitted on behalf of the petitioner that he is on bail in the said case.

6. Considering the entire facts and circumstance of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bachhwara P.S. Case No. 41 of 2025, subject to the following conditions that:

(I) One of the bailors shall be a family member or a close relative of the petitioner, who would give an affidavit giving genealogy as to how he is related with the petitioner.

(II) The petitioner shall remain physically present in the learned Court below on each and every date during trial till framing of charges and further cooperate in the trial.

(Soni Shrivastava, J)

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