

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24775 of 2025

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

Dhiraj Kumar S/o- Ram Lakhan Mahto Village- Gopalpur Ps- Vidyapati
Nagar Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Adv.

For the State : Mrs. Dr. Indihar Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 27-06-2025 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 BNS, 2023 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 (petitioner) were arrested and firearms were recovered from their possession. During the interrogation, it was revealed that One Subhash Jha and Abhishek Kumar were planning a dacoity whereupon raid was conducted at a lodge near Janakpur Postal Park where seven accused persons were found present and it is stated that upon search of the room, the police recovered iron cutter and inside a



bag one country made pistol with two magazines, 13 live cartridges, 11 ATM cards, cheque books and pass-books.

4. Learned counsel for the petitioner submits that it would be apparent from the FIR itself that the police who was on patrolling duty arrested the petitioner and from his possession, two live cartridges and one mobile phone was recovered. It is further submitted that the petitioner was just a passerby and as a matter of fact, there was no recovery from the possession of the petitioner. It is also submitted that the several other incriminating materials were recovered from a lounge where other accused persons were present. So far as the petitioner is concerned, the recovery of only cartridge has been made from his possession and there is no independent witness on the seizure list which violates the mandatory provisions of search and seizure. It is next submitted that no substantial and concrete evidence has come during the course of investigation to connect the petitioner to any preparation for committing dacoity rather it is submitted that it would be, at best, a case under the Arms Act. It is lastly submitted that charge sheet has already been submitted in the present case and the petitioner has been languishing in custody since 11.02.2025.

5. Learned APP for the State, however, opposes the



prayer for regular bail besides others also on the ground that petitioner has two criminal antecedents. In response to the same, it is submitted on behalf of the petitioner that he is on bail in both the cases.

6. Considering the entire facts and circumstances 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 would remain physically present in the learned court below on each and every date during trial till the framing of charges in the case and would further cooperate in the trial.

(Soni Shrivastava, J)

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