

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31009 of 2025

Arising Out of PS. Case No.-241 Year-2024 Thana- GAYA RAIL P.S. District- Gaya

1. Chhotu Kumar @ Jhula @ Chhola @ Chhla S/o Rajendra Chaudhary R/o Village- Sakim Andar Bairagi, ward no. 10, P.S. - Delha, Distt.- Gaya
2. Sumit Kumar S/o Shrawan Prasad R/o vill - Sakim Andar Bairagi, ward no. 10, P.S.- Delha, Distt.- Gaya, at present Chhotiki Nawada, P.S.- Delha, Distt. - Gaya
3. Vikash Kumar @ Butani S/o Gopal Manjhi R/o vill - Sakim Andar Bairagi, ward no. 10, P.S.- Delha, Distt.- Gaya, at present Chhotiki Nawada, P.S.- Delha, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 08-05-2025 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail in connection with Gaya Rail P.S. Case No. 241 of 2024, instituted for the offences punishable under Sections 310(4), 310(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, during Pitri Paksha Mela, the police received information about a planned robbery in Gaya railway yard. Upon reaching the location, they



apprehended four suspects while one fled away and also recovered illegal weapons including country made pistols, live cartridges, iron punch and a knife from the possession of accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the petitioners were not arrested on spot, rather they were arrested by the police in course of running. It is alleged that one country made pistol and two live cartridges have been recovered from the possession of petitioner nos. 1 and 2 and one iron punch from the possession of petitioner no. 3 but the petitioners have got no concern with the alleged recovery of arms. The petitioners are in custody since 20.09.2024 and have got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 50.05.2025 passed in Cr. Misc. No. 30024 of 2025.



5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gaya Rail P.S. Case No. 241 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

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