

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34846 of 2025

Arising Out of PS. Case No.-430 Year-2023 Thana- KOTWA District- East Champaran

Binay Kumar Rai @ Vinay Kumar Ray @ Vinay Kumar S/o- Sudhish Ray
Village- Pakari Wisnarat Ps- Sahebganj Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kotwa
P.S. Case No. 430 of 2023 instituted for the offences under
Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per the F.I.R., on the basis of secret information,
police raided the place of occurrence. Seeing the police, the
accused persons tried to flee away but one of them, namely,
Bhushan Kumar was apprehended by the police and one
country-made pistol along with one live cartridge was



recovered.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner was not apprehended on the spot rather his name was disclosed by one Bhushan Kumar. No incriminating article has been recovered from the conscious possession of the petitioner rather the recovery of firearms has been made from co-accused Bhushan Kumar who has already been granted bail by this Court vide order dated 20.03.2024 passed in Cr. Misc. No. 20355 of 2024. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunitions. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.08.2024 and has two criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Kotwa P.S. Case No. 430 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

