

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32295 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- JAIPUR District- Banka

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Rakesh Kumar S/o Kirani Yadav R/o Village- Kurumatar, Police Station-
Jaipur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 25(1-b)a, 26/35 of the Arms
Act.

3. The prosecution case, as disclosed in the First
Information Report, is that the police arrested the petitioner who
was an accused in Babarganj P.S. Case No. 05 of 2025 and upon
being apprehended, the petitioner himself disclosed that one
country made pistol and live a cartridge was concealed by him
under a Palash tree whereupon the same was recovered.

4. Learned counsel for the petitioner submits that the
recovery of country made pistol and the cartridge is not from the
physical and conscious possession of the petitioner and it was
rather recovered from an open place. It has subsequently been



introduced by the police that it was the petitioner who confessed and disclosed that the firearms were concealed at the said place. It has also been submitted that the mandatory provisions of the search and seizure have also been violated and as there are no independent witnesses to the seizure list. The petitioner is an accused one other case which is Babarganj P.S. Case No. 05 of 2025 and the present case also arises out of the same case. The petitioner is in custody since 12.01.2025.

5. Learned APP for the State has opposed the application for anticipatory bail.

6. In view of the facts and circumstances of the case, let the above named petitioner, 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 Jaipur P.S. Case No. 05 of 2025.

(Soni Shrivastava, J)

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