

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33426 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- KALYANPUR District- East Champaran

Subhash Rai S/O Sipahi Rai R/O Vill.- Abdul Gani, P.s.- Mehsi, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35676 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- KALYANPUR District- East Champaran

Akash Kumar son of Munna Rai @ Munnu Rai Resident of Village - Piprakhem, P.S. - Kalyanpur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33426 of 2025)

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

(In CRIMINAL MISCELLANEOUS No. 35676 of 2025)

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 27-05-2025 Both applications have arisen out of same incident and police station case; therefore, they are being heard together and being disposed of by the common order.

2. Learned counsel for the petitioner (Cr. Misc.



No. 35676 of 2025) is permitted to file Supplementary Affidavit during the course of day regarding rectification of criminal antecedent of the petitioner – Akash Kumar as he has one criminal antecedent but inadvertently it has wrongly been mentioned that petitioner has got no criminal antecedent.

3. Heard learned counsel for the petitioners and learned APP for the State.

4. The petitioners have prayed for bail in connection with Kalyanpur P.S. Case No.01 of 2025 registered for the offence punishable under Sections 336(3), 332, 340(2), 318(4), 319(2), 317(3), 317(4), 3(5) of the BNS and Sections 25(1-B)a, 26, 35 of the Arms Act.

5. The case of the prosecution is that the informant was on patrolling duty and was checking the vehicle. It is alleged that one Innova car was intercepted and from that car, the petitioners along with others were apprehended. It is also alleged that from the possession



of the petitioners, one country made pistol and one live cartridge were recovered.

6. Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and has committed no offence. They have been falsely implicated in this case. It is further submitted that only on the basis of suspicion, petitioners have been made accused in this case. The seizure has not been made in compliance of Section 103 of the BNSS. He further submits that the petitioners are languishing in judicial custody since 02.01.2025. Moreover, several co-accused persons have been granted bail by co-ordinate Bench of this Court.

7. The application for bail is opposed by learned APP for the State and submits that the petitioner – Subhash Rai has criminal antecedent of four cases.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail.



The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate XII, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 01 of 2025.

(S. B. Pd. Singh, J)

Nirajkrs/-

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