

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32878 of 2025

Arising Out of PS. Case No.-631 Year-2024 Thana- GAYA KOTWALI District- Gaya

Md. Ushmaan S/o Md. Allauddin R/o vill - Jagdishpur, PS- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35765 of 2025

Arising Out of PS. Case No.-631 Year-2024 Thana- GAYA KOTWALI District- Gaya

Md. Imteyaj @ Fultun S/O Allaudin Qurashi @ Md Allaudin R/O Vill.- Jagdishpur, P.s.- Mufasil, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32878 of 2025)

For the Petitioner/s : Mr. Amritanshu Dangi, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 35765 of 2025)

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

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 11-07-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kotwali P.S. Case No. 631 of 2024 instituted for the offence under Sections 310(4), 310(5), 111(2)(b) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. Prosecution case, in short, is that on 02.12.2024, based on secret information, police raided *Kirani* Ghat and



apprehended Md. Imtiyaz @ Phultun while others fled. Two country-made pistols with live cartridges were recovered, which Imtiyaz claimed that the same belongs to Md. Shikander and Md. Ushmaan.

4. It has been submitted on behalf of the petitioners that the petitioner, namely, Md. Ushmaan is in custody since 17-12-2024 and petitioner, namely, Md. Imteyaj @ Fultun is in custody since 03-12-2024. Petitioner, namely, Md. Ushmaan bears six criminal antecedents, whereas petitioner, namely, Md. Imteyaj @ Fultun bears two criminal antecedents.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Learned counsel for the petitioners submits that name of petitioner, namely, Md. Ushmaan has surfaced in this case on the disclosure made by petitioner, namely, Md. Imteyaj, as is evident from the FIR itself. Nothing has been recovered from the conscious possession of the petitioners. It is next submitted that there is no compliance of Section 103 of the BNSS, 2023 and petitioners have no concern with the seized arms and ammunition. Other co-accused have been enlarged on bail by this Court vide orders dated 13-05-2025 & 26-06-2025, passed in Cr. Misc. No. 28930 of 2025 & Cr. Misc. No. 37217



of 2025, respectively.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners, manner of petitioners' implication and claim based on parity, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwali P.S. Case No. 631 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)

Raj Kishore/-

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