

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33534 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- LARJHAGHAT District- Samastipur

Akash Kumar S/O Upendra Yadav R/O Village- Banbhaura, P.S- Larjha Ghat,
Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh

For the Opposite Party/s : Mr. Satyendra Narayan Singh

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

2 27-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Larjha Ghat P.S. Case No. 09 of 2025 registered for the offences punishable under Sections 25(1-b)a and 26 of the Arms Act.

3. As per the prosecution story, the informant being a police official has alleged that on 07.02.2025, during the course of routine vehicle checking one Apache motorcycle was trying to flee away. Upon suspicion, when the police apprehended the driver he disclosed his name as Akash Kumar (petitioner). Upon search, one country made pistol and one mobile phone were recovered.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. As a matter of fact nothing was recovered from the possession of the petitioner but the police had implicated him making two of the accompanying constables as independent witness. Therefore the mandatory provision of search and seizure as mandated under Section 103 of BNSS, 2023 was not followed by the police, though the alleged place of seizure is said to be a crossing (chaubatiya) where many shops and houses are located. The time of search and seizure is 18 hours i.e. 06:00 P.M., in the evening when 100 persons remain present at the Chaubatiya. The empty country made iron pistol without any cartridge is of no use and the same was planted by the police just to make out the case. After completion of investigation chargesheet has been submitted by the police in this case against the petitioner. Petitioner is languishing in judicial custody since 08.02.2025.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Keeping in view the aforesaid facts and considering the period under custody, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of learned Additional Chief
Judicial Magistrate - 1st, Rosera, Samastipur in connection with
Larjha Ghat P.S. Case No. 09 of 2025 subject to the following
conditions :-

(i). Petitioner will remain physically present in trial on
each and every date till the disposal of the case failing which, on
two consecutive dates without reasonable cause, the bail bond of
the petitioner may be cancelled by the Trial Court.

(ii). One of the bailor shall be his family member.

(S. B. Pd. Singh, J)

Prabhakar/-

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