

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34110 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- PAHARPUR District- East Champaran

Mithun Kumar @ Mithun Yadav S/O Bihari Yadav R/O Vill.- Gaddupur, PS-
Harsidhi, District- East Champaran, Motihari, Bihar-845458

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar Pandey, Adv. Mr. Kumar Satyam, Adv. Mr. Pulkit Thakur, Adv. Mr. Prakash Raj, Adv.
For the State	:	Mr. Ramchandra Sahni, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable u/s 25(1-b)a, 25(a), 26, 27 and 35 of the Arms Act.

3. A perusal of the FIR would go to show that upon a secret information having been received that an orchestra was being held at the door of one Ramesh Yadav, the police team has reached the spot and arrested two accused persons on the spot and from the possession of accused Mohd. Mustafa Khan, a country made pistol with one live cartridge of 0.315 bore were recovered.



4. Learned counsel for the petitioner submits that it would be apparent from a bare perusal of the FIR and the seizure list that the recovery of the firearm has been made from the possession of co-accused Mohd. Mustafa Khan and he has been granted bail vide order dated 15.05.2025 passed in Cr. Misc. No. 31560 of 2025. It is next submitted that so far as the petitioner is concerned, the seizure list would go to show that there is no recovery of firearm from his possession rather a mobile phone has only been recovered. It is also submitted that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure. Further, it is submitted on behalf of the petitioner that he has been languishing in custody since 16.02.2025.

5. Learned APP for the State, however, opposes the prayer for regular bail.

6. Considering the above-mentioned facts and circumstances and particularly the fact that there is no recovery of firearm from the possession of the petitioner, the above named petitioner is directed to 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 Paharpur P.S. Case No. 69 of 2025.

(Soni Shrivastava, J)

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