

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42450 of 2025

Arising Out of PS. Case No.-93 Year-2024 Thana- RAMGARHWA District- East Champaran

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Vinay Kumar Kushwaha @ Bittu @ Vinay Kushwaha S/o late Kishor Prasad
@ Kishori Prasad Kushwaha @ Kishun Prasad Kushwaha R/o vill.- Bodha
Ward No. 11 P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ramgarhwa P.S. Case No. 93 of 2024 instituted for the offences
under Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per the F.I.R., police, on the basis of secret
information raided the house of co-accused Bablu Kumar and
apprehended him and also recovered fifty-five live cartridges
and one empty magazine from his house. The apprehended co-
accused disclosed the name of other accused persons including
the petitioner.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunitions. The recovery has been made from the house of co-accused Bablu Kumar, who has already been granted bail by a coordinate Bench of this Court vide order dated 26.10.2024 passed in Cr. Misc. No. 57481 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.03.2025 and has four criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ramgarhwa P.S.



Case No. 93 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner 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 petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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