

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38150 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- SITAMARHI District- Nawada

Suraj Kumar S/o Kiran Chaudhary @ Kiran Chodhary Resident of Village -
Shankar Bigha, P.S. - Sitamarhi, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offences under Sections 317(5), 3(5) of B.N.S., Section and Sections 25(9), 25(1-b)a, 26 of Arms Act.

3. As per the prosecution case, the police received a viral video, and from perusal of the said viral video, it was found that certain persons were brandishing country-made pistol in their hands. The police thereafter chased the persons riding motorcycle and they disclosed their names as Suraj Kumar (petitioner), Kundan Kumar and Udal Kumar. From the possession of petitioner, one old country-made pistol without any cartridge was recovered.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that no such material as alleged has been recovered from the conscious possession of the petitioner and even if the allegation in the FIR is taken into account, the said arm was a rusted unusable arm without any cartridge. It is lastly submitted that the petitioner has clean antecedent and is in custody since 30.03.2025.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the submissions made on behalf of the petitioner, let the petitioner above-named 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 Sitamarhi P.S. Case No. 46/2025 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or



in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

d. The Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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