

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38565 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- KALYANPUR District- East Champaran

Raja Kumar Son of Daroga Sahni R/O Vill- Pundar, P.S.- Madhuban, Distt.-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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

ORAL ORDER

3 24-06-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 216 of 2024, instituted for the offences punishable under Sections 302(2), 317(4), 338, 336(3), 340(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, during patrolling and upon information the police reached the Ram Janki Mutt and apprehended four accused persons including the petitioner. Upon search, one country made pistol has been recovered from the possession of the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern with the other co-accused persons and with the alleged recovery of arms. It is next submitted that the petitioner was a passerby of that way and was apprehended on the basis of suspicion. The petitioner is in custody since 14.07.2024 and has got two criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 24.02.2025 passed in Cr. Misc. No. 85660 of 2024.

5. Learned APP 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 and taking into account 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kalyanpur P.S. Case No. 216 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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