

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44977 of 2025

Arising Out of PS. Case No.-68 Year-2025 Thana- MAHISHI District- Saharsa

Shankar Kumar @ Shankar Kumar Sah S/o Sri Hari Lal Sah Resident of Naya
Tola, Ward No. 10, Birgaon, P.S.- Mahishi Jalai, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mohit Agarwal,Adv Mr. Priya Gupta, Adv Mr. Vikash Khanna, Adv
For the State	:	Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail in a case registered for the
offences punishable under Sections 25 (1-B) (a), 26 and 35 of
the Arms Act.

3. The prosecution case as unfolded in the FIR is that
one pistol and three live cartridges were recovered in a room of
Shankar Fertilizer store where four people were found sitting in
a room and they were apprehended on the spot, including the
present petitioner.

4. Learned counsel for the petitioner submits that a
Birthday Party was being celebrated in the said store of the



petitioner and when the other accused persons were about to leave, the police party reached and apprehended all of them. It is further submitted that no incriminating article was recovered from the conscious and physical possession of the petitioner but the said recovery was made from a cot which was kept in the room. It is further submitted that there is no independent witness to the search and seizure violating the mandatory provisions and co-accused Guddu kumar @ Niraj Kumar has been granted bail vide order dated 19.05.2025 passed in Cr. Misc. No.32154 of 2025 and one Rajesh Kumar Ranjan was granted bail vide order dated 21.05.2025 passed in Cr. Misc. No.33718 of 2025. The petitioner, having no criminal antecedent, is languishing in custody since 04.03.2025 and chargesheet has been submitted.

5. The learned APP for the State opposes the grant of bail of the petitioner.

6. Taking into consideration the facts and circumstances of the case, the above named, petitioner is directed to 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 the learned court below where the case is pending/ successor court in Mahishi P.S. Case No. 68 of 2025 subject to the condition that the petitioner shall co-operate in



investigation/ trial and would physically appear on each and every date till the framing of charge and in case, it is found that the trial is delayed due to him, the concerned court would be at liberty to cancel the bail bond of the petitioner.

(Soni Shrivastava, J)

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