

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51450 of 2025

Arising Out of PS. Case No.-29 Year-2023 Thana- SUHAIL District- Gaya

Kapil Bhuiya @ Kapil Bharti S/o Rajkumar Bhuiya @ Rajkumar Vill.- Panti,
PS- Gajwa, Distt.- Chatra, Jharkhand. Presently residing at Jariahar Tola,
Vill.- Viraj, PS- Sohail, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the State : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-08-2025 Heard learned Senior Counsel for the petitioner and
learned APP for the State.

2. This is the second attempt on behalf of the petitioner for grant of bail in connection with Sohail P.S. Case No. 29 of 2023 registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act and under Sections 10, 13, 16, 17, 18, 18(A), 18(B), 19 & 20 of the Unlawful Activities (Prevention) Act.

3. Earlier the bail application of the petitioner has been rejected vide order dated 05.03.2024 passed in Cr. Misc. No. 81405 of 2023, which reads as follows:

*“Heard learned counsel for the
petitioner and learned APP for the State.*

*2. This application for grant of
regular bail arises out of Suhail P.S. Case No.29*



of 2023 registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act and under Sections 10, 13, 16, 17, 18, 18(A), 18(B), 19 & 20 of the Unlawful Activities (Prevention) Act.

3. The petitioner has been found involved with the Naxals and there is recovery of one mobile phone from the petitioner. He is in custody since 28.06.2023.

4. Considering the nature of allegation as also the law laid down by the Hon'ble Supreme Court in the case of Gurwinder Singh vs. State of Punjab & Anr. reported in 2024 SCC OnLine SC 109, I am not inclined to grant the petitioner privilege of regular bail. Accordingly, this bail application is rejected."

4. Learned Senior Counsel submits that charge has been framed but no witness has been examined though the petitioner is in custody since 28.06.2023.

5. Considering the fact that the petitioner is facing prosecution under Section UAP Act, I am not inclined to grant bail to the petitioner.

6. Accordingly, the application stands dismissed.

7. The Senior Superintendent of Police, Gaya is directed to ensure the appearance of the witnesses in the trial.

8. If the trial is delayed by the prosecution, the petitioner may renew his prayer for bail.

9. Let a copy of this order be communicated to the Senior Superintendent of Police, Gaya forthwith through FAX



or e-mail for its compliance.

(Sandeep Kumar, J)

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