

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49059 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- GWALPARA District- Madhepura

Amit Kumar S/o- Late- Kartik Prasad Yadav @ Late Kartik Prasad Village-
Babhangama Ward No- 08 P.S- Bihariganj District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gwalpara (Arar O.P.) P.S. Case No. 26 of 2025 registered for the
offences punishable under Sections 25(1-B)a, 26, 35 of the
Arms Act.

3. As per prosecution case, co-accused Dilkhush
Kumar was apprehended and on search one carbine, one loaded
magazine and upon unloading the same two live cartridges were
recovered from the bag which was carried by him.

4. Learned counsel for the petitioner submits that
petitioner is not named in FIR. During the course of
investigation, the name of the petitioner has been transpired in
this case upon the confessional statement of apprehended co-
accused Dilkhush Kumar. Except disclosure of apprehended co-



accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is in custody since 27.01.2025. He further submits through para 2 of the supplementay affidavit that petitioner bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from the conscious possession of the petitioner. Co-accused Dilkhush Kumar, from whose possession the alleged recovery was made, has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 55879 of 2025 and the case of present petitioner stands on better footing. Hence, petitioner deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that during the course of investigation, the name of the petitioner has been transpired in this case upon the confessional statement of apprehended co-accused Dilkhush Kumar. Hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by the Co-ordinate Bench of this Court, charge sheet has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released 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 learned J.M. Ist, Class, Udakishunganj, Madhepura in connection with Gwalpara (Arar O.P.) P.S. Case No. 26 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

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