

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46097 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- SHIVAJINAGAR District- Samastipur

Kailash Mandal @ Bulet @ Kailash Kumar S/o- Late Ramuaudit Mandal
Village- Parsa Ps- Shivajinagar Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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

ORAL ORDER

2 28-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Shivajinagar P.S. Case No. 19 of 2025 instituted for the offence under Sections 310(4) & 310(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. The prosecution case is that on 27.03.2025 at around 00:20 hours, several miscreants were found assembled near *Sisai Pokhar*, Ward No. 01, and were arrested while fleeing. Upon search, multiple Android mobiles and one country-made pistol were recovered from the accused persons.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27-03-2025. Petitioner bears three criminal antecedents, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. From perusal of the FIR, it would manifest that there is recovery of only one mobile phone from the possession of the petitioner, which belongs to him. No arms is recovered from the possession of the petitioner. There is no compliance of Section 103 of the BNSS, 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication and there being no recovery of arms from the petitioner's possession, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Shivajinagar P.S. Case No. 19 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the



family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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