

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46955 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- SALAKHUA District- Saharsa

Nitish Kumar @ Niteesh Kumar @ Neetish Kumar S/o Umesh Sah R/o
Village- Tikarampur, P.S.- Munger Town, District- Munger, Bihar
... .. Petitioner/s
Versus
The State of Bihar
... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 74058 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- SALAKHUA District- Saharsa

Tuntun Kumar S/o Kesho Yadav R/o Village- Tikarampur, P.S.- Munger,
District- Munger
... .. Petitioner/s
Versus
The State of Bihar
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 46955 of 2025)
For the Petitioner/s : Mr.Amarnath Jha
For the Opposite Party/s : Mr.Satyendra Prasad
(In CRIMINAL MISCELLANEOUS No. 74058 of 2025)
For the Petitioner/s : Mr.Podar Suresh Gandhi
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 12-12-2025 Heard the parties.

2. The petitioners seeks bail in connection with Salkhua
P.S. Case No. 56 of 2025 registered for the offence under
Sections 25(1-B)a, 26 and 35 of Arms Act.

3. The petitioners are named in the F.I.R. and are in
custody since 01.04.2025.

4. As per FIR, petitioners alleged to have in possession
of one country made pistol without cartridge.



5. Learned counsel appearing on behalf of the petitioners submitted that as per seizure list it can be gathered safely that recovery of country made pistol (without cartridge) was not made from the conscious physical possession of these petitioners as same appears to be recovered from the back seat of the car which was occupied by four persons. It is submitted that nothing transpires during investigation which may suggest *prima-facie* that petitioners were involved in selling and purchase of illegal arms. It is also pointed out that petitioner namely Nitish Kumar found involved in one more case, where he is on bail and petitioner namely Tuntun Kumar is a man of clean antecedent. While concluding the argument, it is submitted that seizure list also appears doubtful because same is not supported by independent witnesses and moreover investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as recovery of country made pistol as alleged *prima-facie* not appears to be recovered from the conscious physical possession of these petitioners, where seizure list also not appears to be supported by independent witnesses, coupled with fact as



investigation of this case already completed where petitioners remains in custody since 01.04.2025, accordingly both above named petitioners, are directed to be released on bail in connection with Salkhua P.S. Case No. 56 of 2025 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. 1st Class, Saharsa /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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