

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49884 of 2025

Arising Out of PS. Case No.-104 Year-2025 Thana- KANKARBAG District- Patna

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Aman Kumar @ Golu Kumar @ Bipul Sinha S/O Vijay Kumar Shrivastava
R/O Ghandhi Ashram, P.S- Nagar, Hajipur, District- Vaishali. At presently
R/O- Tenant of Om Prakash @ Munna, Chandmari, Road, P.S- Kankarbagh,
Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Paswan, Advocate Mr. Amar Kumar, Advocate Ms. Deepshikha, Advocate
For the Opposite Party/s :		Mr. Zainul Abedin, APP

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

ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Kankarbagh P.S. Case No. 104 of 2025 instituted for the
offences under Sections 25(1-b)(a), 26 and 35 of the Arms Act.

3. As per prosecution case, the police has recovered
three pistol, seven live cartridges from the house of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
without any substantive evidence and on the basis of suspicion



and the disclosure statement without any independent corroboration. In the entire record of the case, there is no direct evidence to implicate the petitioner in the alleged offence. He further submits that nothing incriminating/arms and ammunition has been recovered from the conscious possession of the petitioner. The alleged recovery of arms and ammunition has been made from the rented house which does not belong to the petitioner and was also not under the exclusive control of the petitioner. The alleged house is also accessible to one and all and the petitioner was not aware of the alleged arms and ammunition being kept in the house, in question. The petitioner has no concern with the seized arms and ammunition. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 30.01.2025 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Md. Ashif has been granted bail by this Court vide order dated 12.05.2025 passed in Cr. Misc. No. 28096 of 2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the prayer for bail being based on parity, let the petitioner, abovenamed, be released on bail, *after framing of charge, if not already framed*, 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 Kankarbagh P.S. Case No. 104 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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