

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.37317 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- MUNGER MUFFASIL District- Munger

Ritu Raj @ Rituraj @ Rishuraj S/O Manoranjan Kumar Village- Jaikrishna Bigha, P.S.- Ghosi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45631 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- MUNGER MUFFASIL District- Munger

1. Aryan Jaiswal @ Aryan Jaysawal S/o- Krishna Jaiswal @ Krishna Prasad Jaiswal Village- Ghanuspur, P.S.- Salimpur, District- Patna
2. Gaurav Kumar S/o- Anil Singh Village- Ghanuspur, P.S.- Salimpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48177 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- MUNGER MUFFASIL District- Munger

1. Priyanshu Kumar S/o- Sanjay Kumar Village- Dariyapur, P.S.- Ghosi, District- Jehanabad
2. Raju Kumar S/o- Ashok Mahto Village- Makaspur, P.S.- Cheriya Bariyarpur, District- Begusarai
3. Shubham Kumar S/o- Rammurti Singh Village- Cheriya Bariyarpur, P.S.- Cheriya Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37317 of 2025)

For the Petitioner/s : Mr. P.N. Sahi, Sr. Adv.
Mr. Madhukar Anand, Adv.
Mr. Subham Kr. Singh, Adv.

For the State : Mr. Sunil Kumar Pandey, APP
(In CRIMINAL MISCELLANEOUS No. 45631 of 2025)

For the Petitioner/s : Mr. Madhukar Anand, Adv.
Mr. Madhukar Anand, Adv.
Mr. Amritanshu Udbhava, Adv.

For the State : Mr. Suresh Prasad Singh, APP
(In CRIMINAL MISCELLANEOUS No. 48177 of 2025)

For the Petitioner/s : Mr. Madhukar Anand, Adv.
Mr. Madhukar Anand, Adv.
Mr. Amritanshu Udbhava, Adv.

For the State : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA



ORAL ORDER

3 25-07-2025 Heard Mr. P.N. Sahi, learned senior counsel for the petitioner of Cr. Misc. No. 37317 of 2025 and Mr. Madhukar Anand, learned counsel for the other petitioners and learned APP for the State.

2. The petitioners seek bail in a case registered for the offences punishable under Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The case of the prosecution is that 8 to 10 persons had gathered at the house of Saurabh Kumar for the purpose of buying weapons. On a secret information, the informant reached at the place of occurrence and recovered three pistols, three magazine some mobile phones and money which was kept on the carpet.

4. Learned senior counsel for the petitioners submits that the petitioners have been made accused in this case without following any normal procedure of search, seizure and arrest. The seizure of three pistols and three magazines have not been made from the physical and conscious possession of the petitioners rather the same was made from the house of co-accused Saurav Kumar which is also evident from the FIR itself. Further the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure



list and no videography etc. has been done of the entire process of the search and seizure as required under the new law of B.N.S.S., 2023. It is next submitted that the charge-sheet has been submitted in this case on 09.04.2025 and the petitioners are in custody since 11.02.2025.

5. Learned APP for the State, however, opposes the prayer for bail on the ground that these petitioners are habitual offenders and they have criminal antecedents of similar nature.

6. Taking into consideration the fact that the petitioners have criminal antecedents of similar nature and the case is one under Arms Act, this Court is not inclined to enlarge the petitioners on bail at this stage. Accordingly, their prayer for bail is rejected in connection with Muffasil P.S. Case No. 30 of 2025.

7. However, the petitioners are granted the liberty to renew their prayer for bail after framing of charge. It is made clear that in case, there is non-cooperation from the other accused persons who are on bail, the learned court concerned would go ahead with framing of the charges as against these petitioners.

(Soni Shrivastava, J)

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