

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47453 of 2025**

Arising Out of PS. Case No.-46 Year-2025 Thana- SITAMARHI District- Nawada

Kundan Kumar, S/o Prem Prasad @ Prem Kumar Prasad, R/o Village-Dhanganwan, P.S.- Sitamadhi, Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                            |                                                                                               |
|----------------------------|-----------------------------------------------------------------------------------------------|
| For the Petitioner/s :     | Mr. Sheo Nandan Prasad, Advocate<br>Mr. Rajnish Kumar, Advocate<br>Ms Sweta Burnwal, Advocate |
| For the Opposite Party/s : | Md. Ataur Rahman, APP                                                                         |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      04-09-2025                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Sitamadhi P.S. Case No.46 of 2025 registered for the offences punishable under Sections 317(5) read with 3(5) of the Bhartiya Nyaya Sanhita (for short 'B.N.S.') as well as Sections 25(9), 25(1-B)(a) and 26 of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 29.03.2025.

4. As per FIR, country-made loaded pistol was found in possession of one of the co-accused namely, Suraj Kumar, whereas petitioner was on another motorcycle.



5. It is submitted by learned counsel appearing for the petitioner that without any connection with splendor motorcycle bearing Registration No. DL1509181 from where Suraj Kumar was apprehended with country-made pistol, the petitioner was implicated with present case. In this context, it is submitted that said co-accused Suraj Kumar has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.38150 of 2025 dated 06.08.2025. It is submitted that except suspicion, nothing transpired against this petitioner and this is not even a case of constructive possession. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as no country-made loaded pistol appears recovered from possession of this petitioner, where *prima*



*facie* allegation of constructive possession *qua* arms also appears doubtful, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 29.03.2025 being a man of clean antecedent, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Nawada in connection with Sitamadhi P.S. Case No.46 of 2025 subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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