

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48076 of 2025

Arising Out of PS. Case No.-764 Year-2023 Thana- BARACHATTI District- Gaya

Kailash Bhokta @ Sohan, aged about 26 years, Male, Son of Ramswarup Singh, Resident of Village- Naktaiya, P.S- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 08-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barachatti P.S. Case No. 764 of 2023 instituted for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, one country made rifle, one country made carbine, two cartridge of 315 bore and a mobile phone were seized from the house of co-accused Jageshwar Bhogata.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of mere suspicion. He submits that nothing has been recovered either from the possession of the petitioner or his house. He further submits that the name of the petitioner has been surfaced in this



case only on the basis of confession made by apprehended Co-accused person. He next submits the the apprehended persons, who caught on the spot have already been granted bail by a Co-ordinate Bench of this Court. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 08.04.2025.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned District and Additional Sessions Judge-1st, Sherghati, Gaya dated 19.06.2025, it appears that on the basis of written report of the informant Sub-Inspector of police namely Chandrashekhar Bhagat, FIR has been registered under Sections 25(1-b)a, 26 and 35 of the Arms Act against four accused persons including the present petitioner. Petitioner has not arrested at the spot and no recovery has been made from the conscious possession of the petitioner. Similarly situated Co-accused persons namely Jageshwar Bhogta, Pappu Kumar Bhokta and Talkeshwar Bhogata @ Talkeswar Bhokta have been granted bail by a Co-ordinate Benches of this Court in Cr. Misc. Nos. 3843 of 2024 and 16408 of 2024 vide orders dated 01.02.2024 and 12.03.2024 respectively, so considering all these aspects of the case and submissions of learned counsel for the petitioner, I am inclined to grant bail to the petitioner.



7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned A.C.J.M.-II, Sherghati at Gaya in connection with Barachatti P.S. Case No. 764 of 2023.

(Ramesh Chand Malviya, J)

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