

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53196 of 2025

Arising Out of PS. Case No.-270 Year-2025 Thana- VAISHALI District- Vaishali

1. Rupesh Kumar S/O Shri Sunil Chaudhary R/O Village- Amritpur, Panchayat and P.O- Husaina, P.S- Vaishali, Distt.- Vaishali, State- Bihar.
2. Dheeraj Kumar S/O Shri Mukesh Paswan R/O Village and Panchayat and P.O- Husaina, P.S- Vaishali, Distt.- Vaishali, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shantanu Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with
Vaishali P.S. Case No. 270 of 2025 registered for the offences
punishable under Sections 25 (1-B)(a) and 26 of the Arms Act.

3. As per prosecution case, there is alleged
recovery of one loaded country made pistol from the waist of
co-accused Shaalu Kumar. It is further alleged that from the
possession of petitioner no.1, Rupesh Kumar, Samsung mobile
was recovered and from the possession of the petitioner no. 2,
Dheeraj Kumar, infinix mobile was recovered.

4. Learned counsel for the petitioners submits that



petitioners are in custody since 10.05.2025 and bear no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioners have no concern with the apprehended co-accused, Shaalu Kumar, from whose possession one country made pistol was recovered. Learned counsel submits that no incriminating article has been recovered from the conscious possession of the petitioners. Petitioners are quite innocent and have falsely been implicated in the case.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 270 of 2025, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offence in future, the learned trial court shall be at liberty to cancel his bail bond.

(v) Petitioner shall submit an undertaking before the learned trial court that he bears no criminal antecedent and if the said undertaking is found incorrect by the learned trial court, his bail bond shall not be accepted.

(Alok Kumar Pandey, J)

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