

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50744 of 2025

Arising Out of PS. Case No.-53 Year-2024 Thana- Pastpar Pusthi District- Saharsa

Dilkhus Kumar S/o Amrendra Yadav R/o vill - Parsi ward no. 3, P.S.- Arar,
Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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

ORAL ORDER

2 06-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Pastpar
P.S. Case No. 53 of 2024 instituted for the offence under
Sections 25(1-B)(a), 26, 27 & 35 of the Arms Act.

3. Prosecution case in short is that there is recovery of
one country made pistol from the possession of the co-accused,
Chandan Kumar.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 28-12-2024. Petitioner
bears seven criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. It is submitted that petitioner has no concern with the recovered arms. Nothing has been recovered from the possession of the petitioner, which is evident from perusal of the FIR itself. Learned counsel next submits that police after investigation has already submitted charge sheet in this case. There is no compliance of Section 103 of the BNSS, 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, charge sheet being submitted and there being no recovery from the petitioner's possession, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pastpar P.S. Case No. 53 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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