

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55879 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- GWALPARA District- Madhepura

Dilkhush Kumar S/o Kirtnarayan Yadav @ Praduman Kumar R/o Village -
Bhwatiya (Bhavtiya), P.O - Suhath Ward No 7, P.S- Saur Bazar. District
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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

ORAL ORDER

2 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Gwalpara (Arar O.P.) P.S. Case No. 26 of 2025 instituted for
the offences under Sections 25(1-B) (a), 26, 35 of the Arms Act.

3. As per prosecution case, the police has recovered
one Carbine, one Magazine and two live cartridges while the
petitioner and co-accused Gunjan Kumar were travelling by a
motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
merely on the basis of suspicion. He further submits that



nothing incriminating has been recovered from the conscious possession of the petitioner. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has seven criminal antecedents but, in all of them, he is on bail. The petitioner was arrested by the police on 26.01.2025 and forwarded to judicial custody on 27.01.2025 and, since then, he is languishing in judicial custody without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has seven criminal antecedents.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Gwalpara (Arar O.P.) P.S. Case No. 26 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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