

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54624 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- PARBATTa District- Khagaria

Raj Kumar S/O Yogendra Sharma Resident of Village- Kulhariya, P.S-
Parbatta, Dist- Khagaria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Parbatta P.S. Case No. 09 of 2025, G.R. No. 42 of 2025
registered for the offences punishable under Sections 25 (1-B)a,
26 and 35 of the Arms Act.

3. As per prosecution case, there is alleged
recovery of one country made pistol and after unloading the
same one cartridge was recovered from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as
alleged in the FIR. Learned counsel further submits that
petitioner is in custody since 07.01.2025 and he bears criminal



antecedent of one case which is not similar to the present case and he is on bail in the said case. He further submits that there is no independent witness of the seizure list and hence, there is no compliance of Section 103 of B.N.S.S. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that there is alleged recovery of one country made pistol along with cartridge from the possession of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Khagaria in connection with Parbatta P.S. Case No. 09 of 2025, G.R. No. 42 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) Petitioner 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 petitioner tampers 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 offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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