

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58328 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- BACHHWARA District- Begusarai

Shivam Kumar @ Shivam Kumar Jha S/o- Ram Naresh Jha Village-
Jadobajitpur PS-Dalsigsarai, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

4 05-12-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 25(1-B)a/26 of the Arms Act.

3. As per the prosecution case, allegation against the
petitioner in the FIR is recovery of one country made pistol
containing two live cartridges from his possession.

4. Learned counsel for the petitioner submits that the
petitioner was arrested on the basis of some misunderstanding and as
a matter of fact the mandatory provision of search and seizure were
violated as there is no independent witness to the seizure list and
hence there is complete non compliance of Section 103 of the BNSS
by the police. However, it is submitted that the petitioner has
remained in custody since 11.03.2025, and he undertakes to
cooperate in the trial by appearing on each and every date.

5. Learned APP for the State opposed the grant of bail
stating that petitioner has eight criminal antecedents, however,
learned counsel for the petitioner submits in response that he is on



bail in all eight cases.

6.Taking into consideration the facts and circumstances and also considering the fact that the mandatory provisions of search and seizure have not been complied with and the petitioner is in custody since 11.03.2025 with chargesheet having been submitted, let the above named petitioner, 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 the learned **Judicial Magistrate, Begusarai** in connection with **Bachhwara P.S. Case No. 76 of 2025** subject to condition that:-(i) One of the bailors will be his close family relative, preferably, father, mother, brother, sister and/or his wife. (ii) the petitioner shall co-operate in the trial and would appear on each and every date in the trial till framing of charge, in case the charges have not been framed and also further during the trial ,and on account of his non appearance on two consecutive dates without sufficient cause, his bail bond shall stand cancelled.

(Soni Shrivastava, J)

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