

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56803 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- SALAKHUA District- Saharsa

Rahul Kumar S/o Ashok Yadav R/o Village- Sahpur, P.S.- Sonbarsa Raj,
District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-10-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Salkhua P.S. Case No. 56 of 2025 registered for the
offence under Sections 25(1-B)a, 26, 35 of Arms Act.

3. The petitioner is named in the F.I.R. and is in
custody since 01.04.2025.

4. As per FIR, petitioner alleged to have in
possession of one country made pistol without cartridge.

5. Learned counsel appearing on behalf of the
petitioner submitted that as per seizure list it can be
gathered safely that recovery of country made pistol
(without cartridge) was not made from the conscious



physical possession of this petitioner as same appears to be recovered from the back seat of the car which was occupied by four persons. It is submitted that nothing transpires during investigation which may suggest *prima-facie* that petitioner was involved in selling and purchase of illegal arms. While concluding the argument, it is submitted that seizure list also appears doubtful because same is not supported by independent witnesses and moreover investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as recovery of country made pistol as alleged *prima-facie* not appears to be recovered from the conscious physical possession of this petitioner, where seizure list also not appears to be supported by independent witnesses, coupled with fact that investigation of this case already completed where



petitioner remains in custody since 01.04.2025, accordingly petitioner above named, is directed to be released on bail in connection with Salkhua P.S. Case No. 56 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Saharsa /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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