

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55183 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- KHUTAUNA District- Madhubani

Ishteyaque Alam @ Md. Ishtiyak S/o Late Abdul Rahman R/o Village-
Khutauna, P.S.- Khutauna, P.O.- Khutauna, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43616 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- KHUTAUNA District- Madhubani

Raju Kumar Sah S/o Tulanand Sah R/o Village- Jhanjh Patti Doman, P.S.-
Khutauna, P.O.- Khutauna, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55183 of 2025)

For the Petitioner/s : Mr. Manendra Kumar Sinha, Adv

For the Opposite Party/s : Mr. Abhay Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 43616 of 2025)

For the Petitioner/s : Mr. Manendra Kumar Sinha, Adv

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-10-2025

CRIMINAL MISCELLANEOUS No. 55183 of 2025

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Khutauna
P.S. Case No. 02 of 2025 registered for the offences under
Sections 25(1-B), 25(1-a), 26(i), 25(1-AA), 26(ii) and 35 of the
Arms Act.

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



since 11.01.2025.

4. The allegation against the petitioner is to involve in manufacturing of country-made pistol and upon police raid several machines involved in manufacturing of pistol including partly made pistols were recovered from the backside of the shop of the petitioner, who was alleged to running a shop in the name of M/s. Kishan Auto Parts.

5. Learned counsel appearing on behalf of the petitioner submitted that the recovery as per seizure list appears to be made from the backside of the shop of this petitioner, which prima-facie suggests that same was not under the knowledge of this petitioner. It is also pointed out that seizure list not appears supported by independent witnesses rather by local chowkidaar, despite availability of independent witnesses. While concluding the argument it is submitted that, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that recovery was made from the shop of petitioner.

7. In view of aforesaid factual submission and by taking



note of fact as recovery of alleged machines used in manufacturing of country-made pistol prima-facie not appears to be made from conscious physical possession of this petitioner, coupled with the fact as petitioner remains in custody since 11.01.2025, accordingly above named petitioner, is directed to be released on bail in connection with Khutauna P.S. Case No. 02 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 Judicial Magistrate 1st Class, Jhanjharpur, Madhubani/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S. with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) If petitioner made any deliberate attempt to delay trial, State/informant shall be at liberty to press petition before the learned Trial Court for cancellation of bail bond of petitioner by learned Trial Court, itself, which shall be decided by learned Trial Court, in accordance with law after giving fair opportunity to petitioner.

(iii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be



allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

CRIMINAL MISCELLANEOUS No. 43616 of 2025

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. Defects as pointed out by the office be ignored for the present.

3. The petitioner seeks bail in connection with Khutauna P.S. Case No. 02 of 2025 registered for the offences under Sections 25(1-B), 25(1-a), 26(i), 25(1-AA), 26(ii) and 35 of the Arms Act.

4. The petitioner is named in the F.I.R. and is in custody since 11.01.2025.

5. The allegation against the petitioner is to involve in manufacturing of country-made pistol and upon raid several machines involved in manufacturing of pistol including partly made pistols were recovered from the backside of the shop of the petitioner and was alleged to running a shop in the name of M/s. Kishan Auto Parts.

6. Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the joint house which was



occupied by different adult family members prima-facie suggests that same was not under the knowledge of this petitioner. It is also submitted that compliance of Section 103(4) of the BNSS not appears followed regarding search of the premises. It is also pointed out that seizure list not appears supported by independent witnesses rather by local chowkidaar, despite availability of independent witnesses. While concluding the argument it is submitted that, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that recovery was made from the shop of petitioner.

7. In view of aforesaid factual submission and by taking note of fact as recovery of alleged machines used in manufacturing of country-made pistol prima-facie not appears to be made from conscious physical possession of this petitioner, coupled with the fact as petitioner remains in custody since 11.01.2025, accordingly above named petitioner, is directed to be released on bail in connection with Khutauna P.S. Case No. 02 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



Judicial Magistrate 1st Class, Jhanjharpur, Madhubani/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S. with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) If petitioner made any deliberate attempt to delay trial, State/informant shall be at liberty to press petition before the learned Trial Court for cancellation of bail bond of petitioner by learned Trial Court, itself, which shall be decided by learned Trial Court, in accordance with law after giving fair opportunity to petitioner.

(iii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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