

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59136 of 2025

Arising Out of PS. Case No.-84 Year-2025 Thana- KHAIRA District- Saran

Ritesh Rai aged about 23 years Son of Rajeshwar Rai Resident of Village -
Minapur, police station P.S. - Garkha, Dist. - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mili Kumari, Adv

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Khaira P.S Case No. 84 of 2025 registered for the offences
punishable under Sections 25(1-B)a, 26/35 of the Arms Act.

3. As per allegation in the FIR, petitioner along with
the other accused persons is alleged to have assaulted the
informant. In the meanwhile, when villagers came there, all the
accused persons managed to ran away but one of the accused
person have been caught by the villagers and handed over to the
police with one pistol.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next



submits that nothing has been recovered from the possession of the petitioner. The alleged pistol which was handed to the police by the villagers has been planted by some of the villagers only. The main story behind the alleged occurrence is that when the petitioner overtook the petitioner on road, some altercation took place between them, after which the informant taking advantage of being local, caught the petitioner, assaulted him brutally and booked him in the present case. It is also submitted that petitioner is in judicial custody since 24.04.2025 having one criminal antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR and impugned order dated 14.07.2025, it appears that the alleged pistol has not been recovered from the petitioner whereas it was handed over by the villagers/private parties to the police when police reached at the spot. Therefore, all the offences in which petitioner has been charged are all bailable offence except the Arms Act but according to Section 37 of the Arms Act which states that:

37. Arrest and searches.

- Save as otherwise provided in this Act,

(a) all arrests and searches made under this Act or under any rules made thereunder shall be carried out in accordance with the provisions of the [Code of Criminal Procedure, 1973 (2 of 1974)]



[[Substituted by Act 25 of 1983, Section 14, for "Code of Criminal Procedure, 1898 (5 of 1898)" (w.e.f. 22.6.1983.]], relating respectively to arrests and searches made under that Code;

(b) any person arrested and any arms or ammunition seized under this Act by a person not being a magistrate or a police officer shall be delivered without delay to the officer in charge of the nearest police station and that officer shall

(i) either release that person on his executing a bond with or without sureties to appear before a magistrate and keep the things seized in his custody till the appearance of that person before the magistrate, or

(ii) should that person fail to execute the bond and to furnish, if so required, sufficient sureties, produce that person and those things without delay before the magistrate.

7. From perusal of the aforementioned section, it is relevant that any person from whom arms has been recovered is also bailable in nature, so, considering the aforesaid facts and circumstances of the case and submissions made on behalf of the learned counsel for the petitioner and the materials available on record, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Khaira P.S. Case No. 84 of 2025.

(Ramesh Chand Malviya, J)

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