

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64235 of 2025

Arising Out of PS. Case No.-184 Year-2025 Thana- MOKAMAH District- Patna

Mukish Rai @ Mukesh Ray S/o- Ram Sharan Singh R/V- Naya Tola Mekra
PS-Mokama Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Sr. Adv
	:	Mr. Anuj Kumar, Adv
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 11-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with Mokama P.S. Case No. 184 of 2025 registered for the offence under Sections 109(1) and 3(5) of the BNS and Sections 25(1-B)(i), 26, 27 and 35 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in custody since 01.05.2025.

4. The allegation against the petitioner is to have in possession one country-made rifle along with 53 live cartridges and also to open fire upon police personnel along with other co-accused persons.

5. Mr. Anshul, learned sr. counsel appearing on behalf of the petitioner submitted that allegation of firing is available from both sides, but from the place of occurrence only empty cartridges



which alleged to be fired by this petitioner and other co-accused persons was said to be recovered, suggesting false implication of petitioner with present crime in question. It is also pointed out that seizure list appears doubtful being supported by police personnels only. While concluding the argument, it is submitted that none of the police personnel in actual received any gunshot injury, petitioner is found involved in two more cases where he is on bail 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 while opposing the prayer of bail submitted that allegation of firing is available against this petitioner.

7. In view of aforesaid factual submission and by taking note of totality of accusations, where recovery of firearms and live cartridges prima-facie appears doubtful to be recovered from the conscious physical possession of this petitioner, coupled with fact as investigation of this case already completed where petitioner remains in custody since 01.05.2025, accordingly petitioner above named, is directed to be released on bail in connection with Mokama P.S. Case No. 184 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 A.C.J.M. Badh (Patna)/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS 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) 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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