

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65373 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- MADANPUR District- Aurangabad

Malkhan Singh S/o Shiv Kumar Singh R/o Village- Saraiya, P.S.- Madanpur,
District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Madanpur (Aurangabad) P.S. Case No. 140 of 2025 instituted
for the offences under Sections 25(1-b)a, 26 of the Arms Act.

3. As per the F.I.R., police on the basis of secret
information, apprehended an accused namely, Rakesh Giri, and
recovered arms and ammunitions from him including one
motorcycle having no registration plate. It is further alleged that
the apprehended person disclosed the name of the person who
fled away from the spot.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. The



name of the petitioner transpired in this case on the basis of disclosure made by co-accused person who was apprehended on the spot. No incriminating article has been recovered from the conscious possession of the petitioner rather the recovery of arms and ammunitions has been made from the co-accused, Rakesh Giri who was apprehended on the spot. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunitions. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.04.2025 and has four criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madanpur



(Aurangabad) P.S. Case No. 140 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

