

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66738 of 2025

Arising Out of PS. Case No.-360 Year-2025 Thana- SUGAULI District- East Champaran

Prakash Kumar S/o Sarbjeet Rai R/o Village- Kajhiya Tola Kotwa, P.S.-
Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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

ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Sugauli P.S. Case No. 360 of 2025 instituted for the offence
under Sections 310(3) & 310(5) of the Bharatiya Nyaya Sanhita,
2023 and Sections 25(1-b)a, 26 & 35 of the Arms Act.

3. The case of the prosecution is that the police
received information that the petitioner along with others was
planning to commit an offence. Acting on the said information,
the police raided the said place and it is alleged that three
persons were apprehended from the spot, including the
petitioner. From possession of the petitioner, one loaded country
made pistol and one live cartridge were recovered.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05-07-2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that petitioner has no concern with the recovered arms. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel next submits that police after investigation has already submitted charge sheet in this case. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused has been granted bail by this Court vide order dated 10-09-2025, passed in Cr. Misc. No. 62948 of 2025.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sugauli P.S. Case



No. 360 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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