

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72672 of 2025

Arising Out of PS. Case No.-112 Year-2025 Thana- HAJIPUR RAIL P.S. District- Saran

Chandeshwar Kumar S/o Shri Pawan Prasad R/o Village- Siswa, P.S.-
Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Ravi Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Hajipur Rail P.S. Case No. 112 of 2025, registered for the
offences punishable under Sections 111, 318(4) of the B.N.S.
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, on the basis of
intelligence report regarding weapon and dealing at Hajipur
Railway Station by some persons coming from Khagariya in a
car. The informant along with police official reached near
Hajipur Station main gate on 11.07.2025 at 11:45 P.M. a white
car was intercepted where a person standing outside the car was



talking to the person sitting inside the car and on suspicion the four persons inside the car and others disclosed their home at Khagaria and another person who was outside the car was petitioner from Motihari and query was being made to the apprehended persons. They do not disclosed the valid reasons for coming to the Hajipur Station after which they are taken to the Police Station premises for investigation. They disclosed their names as Sona Babu, Nitish Kumar, Rabindra Kumar, Mukesh Kumar and Chandeshwar Kumar (petitioner). During search, mobile phone and Rs. 870/- as cash was recovered from the petitioner. The while Baleno car was searched where D.L. Aadhar Card, Pan-Card, Arms License was found. From driving seat altogether 50 rounds of 8 MM KF live Bullets, wrapped in black colour foil were also recovered. They failed to produce any valid documents and confessed about coming to Hajipur Station to sell the aforesaid bullets to Chandeshwar Kumar (petitioner) of Motihari. The co-accused Sona disclosed that Jagdish Prasad Nirala died in July, 2024 and on the request of Indrajit Kumar (Proprietor of Vishal Gun House, Purnea) the said license was obtained from person of Khagariya on 29.06.2025 and on that basis he received 50 rounds of live bullets from Vishal Gun House and came to Hajipur to sell it to



the petitioner.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. The petitioner was standing outside the car. Four co-accused persons who were inside the car and the recovery was made from the car in question and the petitioner is not connected with the said car and the said car belongs to the co-accused. Basically no arms or incriminating articles were recovered from the conscious possession of the petitioner. Apart from that petitioner having no criminal antecedent. Petitioner is in custody since 12.07.2025. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner is one of the accused named in the F.I.R. and arms and ammunition has been recovered from the place of occurrence. He cannot escaped from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, nothing was recovered from the conscious



possession of the petitioner, petitioner is not in any way connected the car in question, keeping in view clean antecedent of petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Railway Judicial Magistrate, Sonapur, Saran/Successor Court in connection with Hajipur Rail P.S. Case No. 112 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) The learned trial court shall verify the criminal antecedent of the petitioner as mentioned in para 3 of the bail petition, and in case at any stage, if it is found that the petitioner has concealed his criminal antecedent, the learned trial court



shall take step for cancellation of bail bond of the petitioner.

(Alok Kumar Pandey, J)

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