

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81865 of 2024

Arising out of PS. Case No.-110 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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Jay Prakash Kumar, Gender-Male, Aged about-30 Years, S/o- Shri Bhagwan
Yadav, Resident of Village- Pactukitytu, PS- Bairangia, Dist- Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s: Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 10-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Kudwa
Chainpur P.S. Case No. 110 of 2024 instituted for the offences
under Sections 317(5), 3(5) of the Bhartiya Nyaya Sanhita,
2023 and under Sections 25(1-2)a, 26 and 35 of the Arms Act.

3. As per the prosecution story, the informant alleged
that the Police during night patrolling, intercepted a motorcycle
which one Upendra Kumar and the petitioner was said to have
been riding and upon search one country-made revolver and few
cartridges were recovered from the petitioner and one mobile
was recovered from the said Upendra Kumar.

4. It is submitted by learned counsel for the petitioner
that petitioner has falsely been implicated in this case and no



such incident as alleged has occurred and the police has falsely implicated the petitioner in this case and the recovery of country-made revolver from the petitioner is a concocted story and no incriminating article has been recovered from the conscious possession of the petitioner. It has further been submitted that from perusal of the case diary no seizure-list is found, however, the police has mentioned the recovery in the FIR. It is also submitted that the petitioner is in custody since 24.07.2024, i.e., for more than nine months and, hence, he should be granted liberty of bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that recovery of country-made revolver has been made from the conscious possession of the petitioner and, hence, he should not be granted privilege of bail.

6. Considering the aforesaid submissions of learned counsel for the petitioner and the fact that the petitioner has remained in custody since 24.07.2024, i.e., for more than nine months, I am inclined to grant privilege of bail to the petitioner. The petitioner, abovenamed, is directed to 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



Shri V.K. Singh, Judicial Magistrate, 1st Class Sikrahana at Dhaka, East Champaran (or his successor) in connection with Kudwa Chainpur P.S. Case No. 110 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

(Sourendra Pandey, J)

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