

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72839 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- BITHAN District- Samastipur

Brajesh Kumar @ Khesari Son of Ramdhyan Mahto @ Ramghiyan Mahto
Resident of Village- Pusaho, Police Station- Bithan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

2 13-10-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bithan
P.S. Case No. 34 of 2025 instituted for the offence under
Sections 25(1-b)a, 26, 27 & 35 of the Arms Act.

3. Prosecution case in short is that there is recovery of
two live cartridges, two empty cartridges and one motorcycle
from the possession of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 11-04-2025. Petitioner
bears one 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 for the petitioner goes on to submit that recovery is planted. Charge sheet has already been submitted 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. 63885 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 Bithan P.S. Case No. 34 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)

Raj Kishore/-

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