

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73089 of 2025

Arising Out of PS. Case No.-25 Year-2025 Thana- Bankebazar District- Gaya

Raushan Kumar S/O Bhola Manjhi Resident Of Village- Bankey Bazar,
Police Station- Bankey Bazar, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary

For the Opposite Party/s : Mr.Akshay Lal Pandit

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
Bankey Bazar P.S. Case No. 25 of 2025, registered for the
offences punishable under Sections 25(1-B)a, 26/35 of the Arms
Act.

3. As per prosecution case, police apprehended two
persons for their involvement in Banke Bazar P.S. Case No. 22/
2025 who disclosed the name of another co-accused Ashutosh
Kumar who further disclosed that they shot dead one person for
looting his money and motorcycle. The apprehended persons
further disclosed the name of the petitioner to whom they
handed over the fire arms used in the robbery and murder and
the present petitioner disclosed the name of co-accused Deepak



Kumar to whom he has given the fire arms for safe keeping. A raid was conducted in the house of co-accused Deepak Kumar and at his instance a pistol and a country made katta were recovered.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 15.02.2025. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made from the co-accused Deepak Kumar who has already been granted bail vide Cr. Misc. No. 62050 of 2025 and the case of present petitioner stands on better footing. Hence, petitioner also deserves bail. The seizure list witnesses are the members of police party and there is violation of Section 103 of B.N.S.S. Petitioner having no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner is FIR named accused. Hence, he cannot escaped from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, keeping in view the period of custody, period of custody,



charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 Judicial Magistrate, 1st Class, Sherghati, Gaya, in connection with Bankey Bazar P.S. Case No. 25 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.

(Alok Kumar Pandey, J)

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