

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74476 of 2025

Arising Out of PS. Case No.-341 Year-2025 Thana- RAFIGANJ District- Aurangabad

Mithun Kumar S/o Late Rajaram Mehta @ Late Rajaram Mahto R/o Village-
Baur/Bair, P.S.- Rafiganj, Distt- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Rafiganj P.S. Case No. 341 of 2025, G.R. No. 2242 of 2025 registered for the offences punishable under Sections 25(1-b)(a), 26 of the Arms Act and later on Section 35 of the Arms Act has been added.

3. As per prosecution case, on instruction of co-accused Kundan Kumar, one country made three-nut rifle was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is in custody since 21.07.2025 and he bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the



prosecution evidence. He further submits that the alleged place of recovery is joint house of the petitioner and he cannot be held liable for the alleged recovery. Petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in the present case.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that petitioner is FIR named accused persons. Hence, he cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 341 of 2025, G.R. No. 2242 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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