

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78203 of 2025

Arising Out of PS. Case No.-77 Year-2025 Thana- GORAU District- Vaishali

Sunny Kumar, aged about 25 years, Son of Tuntun Mahto, Resident of village- Narayanpur Bedauliya P.S.- Goraul District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Goraul P.S. Case No. 77 of 2025 instituted for the offences punishable under Section 305(5) of the BNS.

3. As per the prosecution case, one country made pistol and two cartridges has been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that the petitioner is not named in the FIR and the FIR has been lodged against two unknown persons. He further submits that the petitioner has been arrested in Goraul P.S. Case No. 80 of 2025 and remanded in this case on the basis of his self confessional



statement recorded before the police. He next submits that petitioner was neither present nor arrested from the alleged place of occurrence. He lastly submits that the seizure list witnesses are not the independent witnesses and nothing incriminating articles has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 07.03.2025.

5. Learned APP for the State opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned District and Additional Sessions Judge-II, Vaishali at Hajipur dated 25.08.2025, it appears that petitioner is not named in the FIR and his name transpired in this case only on the basis of his self confessional statement in another case from where he has been remanded in this case. From perusal of the records, it appears that on the basis of written report of the informant Suraj Kumar, FIR has been registered under Section 305(5) of the BNS and the allegation is that one country made pistol and two cartridges has been recovered from the conscious possession of the petitioner. Petitioner has been remanded in this case from another case and since then he is in custody, so considering all these aspects of the case and submissions of learned counsel for



the petitioner, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur in connection with Goraul P.S. Case No. 77 of 2025.

(Ramesh Chand Malviya, J)

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