

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77404 of 2025**

Arising Out of PS. Case No.-99 Year-2025 Thana- KARTAHA District- Vaishali

Saurabh Kumar S/O Late Arun Kumar Verma R/o Village- Kartahan Bujurg,  
P.s.- Kartahan, District- Vaishali ... .. Petitioner/s

Versus

- 1. The State Of Bihar Bihar
- 2. The State Of Bihar vaishali

... .. Opposite Party/s

**Appearance :**

|                            |                                                                                                  |
|----------------------------|--------------------------------------------------------------------------------------------------|
| For the Petitioner/s :     | Mr. Ajay Kumar Thakur, Advocate<br>Mrs. Vaishnavi Singh, Advocate<br>Mr. Ritwik Thakur, Advocate |
| For the Opposite Party/s : | Mr. Mithlesh Kumar Khare, APP                                                                    |

**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH**  
**ORAL ORDER**

2      05-12-2025                      By means of this bail application, petitioner, who is involved in connection with Kartahan P.S. Case No.764 of 2024, registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. As per the prosecution case in brief, it is alleged that in follow up action of the investigation of Chas P.S. Case No. 99 of 2025 dated 24.06.2025 registered under Section 309(4) of the IPC and Section 27 of the Arms Act, a raid was conducted at the shop of the petitioner on 31.07.2025 and during search, two country made pistol, six live cartridges and 3 empty magazines were recovered from the petitioner's shop.



4. The main substratum of argument of learned counsel for the petitioner is that the petitioner has been falsely implicated in this case on the basis of a concocted story. False recovery has been shown against the petitioner. Much emphasis has been given by contending that since there was no involvement of petitioner in Chas P.S. Case No. 99 of 2025, therefore, there was no occasion for the police to conduct raid at the shop of the petitioner. It is also submitted that even after the conducting raid at the shop of petitioner and alleged recovery as noted in F.I.R. of this case, petitioner has not been made accused in the Chas P.S. Case No. 99 of 2025. The averment in this regard has been mentioned in paragraph 11 of the bail application. The petitioner has no criminal history to his credit. Lastly, it is submitted that petitioner is languishing in jail since 01.08.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that learned A.P.P. appearing on behalf of the State does not dispute the fact that



petitioner has not been made accused by the prosecution in Chas P.S. Case No. 99 of 2025. Charge sheet has been submitted. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial of the petitioner in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without going into the merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 01.08.2025 has made out a prima facie case for bail.

8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the above named petitioner be released on bail in the above case on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court below with the following



conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

**(Sanjay Kumar Singh , J)**

Raj Ranjan/-

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