

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77543 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- NAYAGAON District- Begusarai

Mohit Kumar S/O Chamru Ray R/O Village- Dariyapur, PS- Nayagaon,
Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 08-12-2025 By means of this bail application, petitioner, who is involved in connection with Nayagaon P.S. case no. 47 of 2025, registered for the offences punishable under Section 25(1-B)a, 26 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 prosecution case, in brief, on 18.06.2025 at about 10:18 AM, ASI Mukesh Kumar Singh posted at Nayagaon Police Station along with constables received information about the petitioner Mohit Kumar that he waving a country made pistol abusing and threatening his mother and sister-in-law to shoot them. On the said information when police reached at the spot, Mohit Kumar seeing the police personnels escaped due to



the dense crowd hiding pistol in a straw and on taking search, a country made pistol was recovered that has been hidden inside the husk.

4. It is argued by learned counsel for the petitioner that on account of his dispute with his brothers, he has been falsely implicated in this case on the basis of concocted story set up against him. He next submits that no one has received any injury in this case. The petitioner has not apprehended on the spot and no recovery has been made from his possession. The petitioner has no concern with the alleged recovery of pistol which was recovered from inside of husk. The petitioner has no criminal history to his credit. Lastly, it is submitted that petitioner is languishing in jail since 05.09.2025 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 it is not in dispute that there was no recovery at the instance of petitioner and he is languishing in custody since 05.09.2025. After investigation,



charge sheet has been submitted. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases and the manner, in which trial of the applicant is going on, the possibility of conclusion of trial 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 05.09.2025 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 personal 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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