

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77945 of 2025

Arising Out of PS. Case No.-285 Year-2025 Thana- BANIAPUR District- Saran

Umesh Rai S/O Late Baban Ray R/O Village- Rajauli, P.S- Baniyapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwary, Adv

For the Opposite Party/s : Mr.Jitendra Kumar Singh, 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 is in custody in connection with Baniyapur P.S Case No. 285 of 2025 registered for the offences punishable under Sections 25(1-b)a, 26/35 of the Arms Act.

3. As per allegation in the FIR, there is recovery of one country made pistol and two live cartridges from the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that petitioner is a victim of dirty village politics. He further submits that petitioner is handicapped and is unable to move easily and the alleged recovery has not been made from conscious possession of the petitioner. Learned counsel for the petitioner submits that the alleged pistol does not belongs to the



petitioner rather it was of the person who was sitting beside him. It is also submitted that petitioner is in judicial custody since 28.06.2025 having clean antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order dated 08.10.2025, it appears that one country made pistol from the waist of the petitioner and two live cartridge was recovered from the pocket of the petitioner. It also appears that there is no independent witnesses to the alleged seizure and petitioner is handicapped with 60 percent permanent disability. Moreover, petitioner possesses clean antecedent. So, considering the aforesaid facts and circumstances of the case and submissions made on behalf of the learned counsel for the petitioner, let the above named petitioner 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 learned Judicial Magistrate-1st Class, Saran at Chapra in connection with Baniyapur P.S Case No. 285 of 2025.

(Ramesh Chand Malviya, J)

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