

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88162 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- BITHAN District- Samastipur

Brajesh Kumar @ Khesari S/O Ramdhyan Mahto @ Ramghian Resident of
Village- Pusho, P.S.- Bithan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bithan
P.S. Case No. 68 of 2024 instituted for the offences under
Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per prosecution case, the police has recovered a
country-made pistol and five live cartridges from the possession
of co-accused Guddu Kumar. It is alleged that the petitioner
managed to escape from the place of occurrence.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The name of the petitioner has transpired in this case on the



basis of the confessional statement of the co-accused Guddu Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the motorcycle and the arms recovered from the possession of the Guddu Kumar. The petitioner has also no concern with the co-accused Guddu Kumar. He further submits that, later on, the petitioner was arrested by the police with TVS Motorcycle and Rs. 4,060/- was recovered from his possession. He further submits that the recovered motorcycle and cash from the possession of the petitioner belong to the petitioner himself. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents and, in both of them, he is on bail and is languishing in judicial custody since 20.07.2024 without any rhymes or reason. Charge-sheet has been submitted in this case

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties, the period of custody of the petitioner and there being no recovery of any arms and ammunition from the possession of the petitioner, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Bithan P.S. Case No. 68 of 2024.

(Rudra Prakash Mishra, J)

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