

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3437 of 2025

Arising Out of PS. Case No.-573 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Sonu kumar S/o Sanjay Yadav @ Sanjay Kumar Resident of Vill- Konhawa,
Ward no. 03, P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

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

ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner, learned

APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Town
P.S. Case No. 573 of 2024, instituted for the offences punishable
under Sections 111(4), 111(2), 111(2)(b) of the Bharatiya Nyaya
Sanhita, 2023 read with Sections 26(2), 35, 25(1-A), 25(1-B)(a)
of the Arms Act.

3. The prosecution case, in short, is that, there is
recovery of three country made pistols, 24 live cartridges and 9
empty cartridges from the asbestos house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern with the alleged recovery of arms. The alleged recovery has been made from the asbestos house of the which is in abandoned condition and is easily accessible to public at large. The petitioner is in custody since 10.09.2024 and has got one criminal antecedent in which he is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 17.02.2025 passed in Cr. Misc. No. 7631 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Town P.S. Case No. 573 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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