

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1500 of 2026

Arising Out of PS. Case No.-75 Year-2025 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Avinash Kumar @ Avinash Bharti @ Abhinash Kumar @ Abhinash Bharti @
Baba S/O Vijay Bharti R/O village - Baundih Asli, Police Station - Shahpur
Patori , District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-01-2026 Heard Mr. Mahendra Pratap, learned counsel for the

petitioner and Mr. Pawan Kumar Chaurasia, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
27.04.2025 in connection with Mohiuddinagar P.S. Case No. 75
of 2025, F.I.R. dated 27.04.2025 for the offences punishable
under Sections 310(4), 310(5), 310(6), 317(3) and 317(5) of the
BNS, 2023 and Section 25(1-B)(a), 26 and 35 of the Arms Act.

3. According to prosecution case, upon a secret
information the informant along with police personnel reached
at the cattle house of Durgesh Kumar. Upon seeing the police al
the accused persons tried to fled away but five persons including
this petitioner was apprehended and on search one desi pistol,



one live cartridge, three aadhar cards and two mobile phones were recovered from the bag of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. It appears from the F.I.R as well as seizure list that one country made pistol, one live cartridge, three aadhar cards and two mobile phones were recovered from the bag of the petitioner. He further submits that there is non-compliance of Section 100 of the Cr.P.C./103 of the B.N.S.S. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.04.2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M, Shahpur Patori, Samastipur in connection with Mohiuddinagar P.S. Case No. 75 of 2025, subject to the following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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