

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5817 of 2026

Arising Out of PS. Case No.-1104 Year-2025 Thana- PHULWARISHARIF District- Patna

Akshay Kumar Son of Lal Babu Rai @ Lal Babu Yadav Resident of Village-
Pashi, Faridpur, P.S.- Janipur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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

ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Phulwari (Janipur) P.S. Case No. 1104 of 2025 instituted for the
offences under Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per the F.I.R., one pistol has been recovered
from the co-accused Gautam Kumar who confessed that the said
pistol belongs to the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner rather the recovery has been made
from the co-accused Gautam Kumar. Learned counsel further



submitted that petitioner has got no concern with the recovered arms and ammunitions. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.07.2025 and has one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned A.P.P. 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 as also 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 on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwari (Janipur) P.S. Case No. 1104 of 2025.

(Rudra Prakash Mishra, J)

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