

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4639 of 2026

Arising Out of PS. Case No.-313 Year-2025 Thana- BARAHAT District- Banka

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Gulshan Kumar @ Gulchan Kumar, Son of Shankar Yadav, Resident of
Village- Mirzaqpur, P.S.- Barahat, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 25-02-2026 Heard learned counsel for the petitioner and

learned A.P.P for the State.

2. The petitioner seeks bail in connection with
Barahat P.S. Case No. 313 of 2025 dated 07.10.2025
registered for the offence punishable under Sections 25(1-
b)a and 26 of the Arms Act.

3. The allegation is of recovery of three live
cartridges and one loaded musket from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in
this case. It is submitted that there is no independent
witness to the seizure list, which completely violates the



mandatory provision of search and arrest. The petitioner is in custody since 07.10.2025, having one criminal case against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Banka in connection with Barahat P.S. Case No. 313 of 2025, subject to the following conditions:-

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

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made



accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

5. The petitioner within two weeks of his release from custody shall appear before the S.H.O. of his local area alongwith a copy of this order and shall appear every fortnightly to mark his attendance till the framing of charge in the trial court.

(Khatim Reza, J)

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