

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9388 of 2026

Arising Out of PS. Case No.-644 Year-2025 Thana- BUXAR District- Buxar

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Birendra Kumar Singh @ Gauri Yadav @ Giri S/O Mandil Singh Resident of
village- Pandeypatti, P.S.- Buxar (M), Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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

ORAL ORDER

5 23-07-2026 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Buxar
(T) P.S. Case No. 644 of 2025 instituted for the offences under
Sections 25(1-b)a, 26, 35 of the Arms Act and Section 37(2) of
the Bihar Prohibition and Excise (Amendment) Act.

3. The prosecution case, in brief, is that on receiving
secret information, the police intercepted a car near Golambar,
Buxar. Three persons, including the petitioner, were
apprehended while two others escaped. A country-made pistol
was recovered from the vehicle, and the apprehended persons
were found to have consumed alcohol as confirmed by a breath
analyzer test.



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. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunitions. Learned counsel further submitted that petitioner is neither the owner nor the driver of the car from which the recovery of arms has been made. He further contended that petitioner never consumed alcohol as alleged in the FIR. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.12.2025 and has three criminal antecedents. 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 Buxar (T) P.S. Case
No. 644 of 2025, 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)

Alok Verma/-

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