

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11432 of 2026

Arising Out of PS. Case No.-311 Year-2025 Thana- SUPPI District- Sitamarhi

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Ganesh Rai Son of Shyam Kishor Rai Resident of village - Jamala Mandal,
P.S.- Suppi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh, Advocate
		Mrs. Divya Bharti, Advocate
For the Opposite Party/s :		Mr.Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 26-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in Suppi P.S. Case
No. 311 of 2025 dated 29-10-2025 registered under Sections
25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that on
29-10-2025, acting on a tip-off, the police proceeded to the
vicinity of village Barharwa, where two persons riding a
motorcycle tried to run away on seeing the police party. It is
further alleged that petitioner was apprehended while the other
person managed to run away. A loaded country-made pistol was
recovered from under the seat of a Glamour motorcycle bearing
registration number BR 30S 5458.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. The learned counsel further submits that the seizure list was prepared by the informant in gross violation of the provisions of Section 105 of the *Bhartiya Nagrik Suraksha Sanhita, 2023* as the search was neither conducted in the presence of independent witnesses nor recorded via audio-video means. Lastly, it is submitted that the petitioner has been in judicial custody since 30-10-2025 and has ten criminal cases pending against him.

5. On the other hand, learned Additional Public Prosecutor for the State has opposed the prayer for bail.

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 1st class Sitamarhi, in connection with Suppi P.S. Case No. 311 of 2025, subject to the following conditions: (i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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 (iv) that 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 and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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