

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14611 of 2026

Arising Out of PS. Case No.-558 Year-2025 Thana- SUGAULI District- East Champaran

Bittu Miyan, aged about 28 years (M), S/o- Khoosh Mohammad, resident of
village- Gobari, PS- Banjariya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 12-03-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Sugauli
PS Case No.558 of 2025 dated 30.10.2025, instituted for the
offence punishable under Sections 25(1-B)a, 26 and 35 of the
Arms Act.

3. The allegation is of recovery of one countrymade
pistol and two live cartridges from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that
nothing has been recovered from the possession of the petitioner
and the petitioner has been implicated in this case only because
of his past antecedents. There is complete violation of Section
103 of the *Bharatiya Nagrik Suraksha Sanhita*, 2023, while



carrying out search and seizure. There is no independent witnesses on the seizure list. Lastly, it is submitted that the petitioner is in custody since 30.10.2025 having four cases against him. Charge-sheet has also been submitted

5. Learned APP 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 Judicial Magistrate, 1st Class, Motihari, East Champaran, in Sugauli PS Case No.558 of 2025, subject to the 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 within two weeks from the date of his release from custody shall appear before the SHO of his local area along with a copy of this order and thereafter shall appear before him every fortnightly to mark his attendance till the conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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