

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18783 of 2026

Arising Out of PS. Case No.-438 Year-2025 Thana- ATHMALGOLA District- Patna

Bharosi Ray, Son of Late Shivjee Ray, Resident of Village- Ganjpar, P.S.-
Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 24-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Athmalgola P.S. Case No. 438 of 2025 registered for the offence punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. The case of the prosecution, in short, is that from the hut of Bharosi Rai, one country made rifle, two country made pistols and 10 live cartridges were recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this



case. From perusal of the seizure list it will transpire that the seizure was made from one Ram Padarath Ray. It is the case of the police that the hut belongs to the petitioner whereas it is the specific case of the petitioner that the hut does not belong to him. It has further been submitted that nothing has been recovered from the possession of this petitioner. The witnesses of the seizure list are police personnel. Police has not complied Section 105 of the B.N.S.S. while making the seizure. Petitioner is languishing in judicial custody since 28.01.2026

5. Learned APP appearing for the State has vehemently opposed the application for bail and has submitted that petitioner is having criminal antecedent of seven cases.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Barh, District-Patna in connection with Athmalgola P.S. Case No. 438 of 2025 **with the following conditions:-**

(i) The petitioner shall cooperate in the trial and shall remain physically present on each and every date in



the learned trial Court.

**(ii) He shall also mark his weekly attendance at
Athmalgola P.S.**

(Ashok Kumar Pandey, J)

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