

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27392 of 2026

Arising Out of PS. Case No.-736 Year-2025 Thana- GORAUL District- Vaishali

Manjeet Kumar S/o Prabhu Sah @ Prabhu Kumar Sah R/o vill -
Cheharakhalan, P.S.- Kathara Goraul, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Goraul (Kathara) P.S. Case No. 736 of 2025 registered for the offences punishable under Sections 111(3) and 313 of the BNS and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per FIR, apprehended co-accused persons found in possession of firearms and live cartridges, where one country-made pistol and two live cartridges was recovered from one of the co-accused and from another co-accused only two live cartridges was recovered and upon arrest they disclosed names of six persons, who fled from there and petitioner was also one of them.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that on the date of recovery, petitioner was admitted in Nalanda Medical College and Hospital and was under treatment for his fractured leg. It is also submitted that petitioner found involved in four more criminal cases, where he is on bail, but none of the offence is related with organized crime and, therefore, the present activity cannot be said as "continuing unlawful activity" in terms of Explanation-2 Section 111(1) of the BNS. While concluding argument, it is submitted that admittedly except suspicion arising out of disclosure of apprehended co-accused nothing incriminating appears against this petitioner and moreover on all material aspects the investigation of this case is already concluded and by sending this petitioner behind the bar no purpose of justice would be served.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as prima-facie "continuing unlawful activity" appears doubtful, being essential ingredient to constitute offence under Section 111 of the BNS, coupled with the fact as except suspicion arising out of disclosure of apprehended co-accused nothing incriminating appears against this petitioner, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed



to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-1, Vaishali at Hajipur/concerned Court, where the case is pending in connection with Goraul (Kathara) P.S. Case No. 736 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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