

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27262 of 2026

Arising Out of PS. Case No.-98 Year-2024 Thana- SHRI NAGAR District- Madhepura

Pawan Sharma Son of Lalan Sharma Resident of village - Lakshmipur
Bhagwati, P.S.- Sri Nagar, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2026 Heard Mr. Jitendra Kumar Pandey, learned counsel
for the petitioner and Mr. Satyendra Prasad, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
22.10.2024 in connection with Sri Nagar P.S. Case No. 98 of
2024, F.I.R. dated 30.07.2024 for the offences punishable under
Sections 25(1-B) (a) and 26 of the Arms Act.

3. Recovery is of two country made pistols and one
live cartridge.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. It appears from the FIR as well as seizure list that
nothing has been recovered from the conscious possession of
the petitioner and in fact, the petitioner has confessed his guilt in



another case bearing Sri Nagar P.S. Case No. 97 of 2024 and on the basis of that, two country made pistols and one live cartridge has been recovered. It appears from the seizure list that the seizure list witnesses are the police personnel, so there is non-compliance of Section 103/105 of the BNSS, 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.10.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one which relates to 103(i), 3/5 of the BNS, 2023 and 27 of the Arms Act.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Madhepura in connection with Sri Nagar P.S. Case No. 98 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed 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. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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