

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31648 of 2026

Arising Out of PS. Case No.-22 Year-2026 Thana- GHATHO District- Samastipur

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Kundan Kumar S/o Devendra Sharma R/o Village - Musapur, P.S. - Ghatho,
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 12-05-2026 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner has prayed for bail in connection with Ghatho P.S. Case No.22 of 2026 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 police had intercepted two bikes and from one bike, from the possession of one Rikesh Kumar @ Sonu, a loaded country made pistol and one live cartridge were recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner was on another bike and from his possession, no recovery has been made. Learned



counsel for the petitioner has submitted that the name of this petitioner has surfaced only on suspicion of police that he is associate of the co-accused Rikesh Kumar from whose possession arms were recovered. Learned counsel has further submitted that petitioner is having no criminal antecedent and he is in judicial custody since 19.02.2026.

5. The application for bail is opposed by learned APP for the State.

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 court of learned Additional Chief Judicial Magistrate-I, Dalsinghsarai, Samastipur in connection with Ghatho P.S. Case No.22 of 2026.

7. Before parting, I would like to advise the learned trial court that while passing order on bail petition, they must learn to segregate the allegation. In this case recovery is made from accused person. In criminal cases, liability is personal which is not vicarious, despite that learned trial court is not



able to segregate the allegations which is a matter of great concern. Learned trial court should introspect.

(Ashok Kumar Pandey, J)

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