

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35154 of 2026

Arising Out of PS. Case No.-45 Year-2024 Thana- Parihara District- Begusarai

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Phul Choudhary @ Phul Babu @ Chandramani Choudhary @ Phulbabu Choudhary, S/o Late Madhab Choudhary, Resident of Village- Parihara, Ward No. 5, P.S.- Parihara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.
Mr. Amit Prakash, Adv.
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-05-2026 This is second attempt on behalf of the petitioner for grant of regular bail.

2. Heard the learned counsel for the petitioner and the learned Addl. Public Prosecutor for the State.

3. The petitioner, who is in custody since 06.02.2026, seeks bail in connection with Parihara P.S. Case No. 45 of 2024 registered for the offence(s) punishable under Section(s) 25(1-B)A and 26 of the Arms Act.



4. Earlier, *vide* order dated 17.06.2025 passed in Cr. Misc. No. 10119 of 2025, the petitioner was granted bail by this Court. However, on account of the fact that the petitioner had not disclosed the entire criminal antecedents, his bail bonds were accepted but, subsequently, when the Court came to know that the petitioner had four other cases against his name, his bail bonds were cancelled. The petitioner, thereafter, moved before this Court *vide* Cr. Misc. No. 85798 of 2025 seeking modification of the order dated 17.06.2025 passed in Cr. Misc. No. 10119 of 2025. However, this Court *vide* order dated 19.12.2025 directed the petitioner to surrender before the learned Trial Court and file a fresh application for bail.

5. The present application has been filed pursuant to such observation made in the said application seeking modification, *i.e.*, Cr. Misc. No. 85798 of 2025.

6. The allegation against the petitioner is that the police received a secret information that he was moving with arms, whereafter the police party intercepted and caught hold of him and on search, a country made pistol with one live cartridge was recovered from his possession.

7. The learned counsel for the petitioner submits that he has falsely been implicated in this case merely because



he carries long list of antecedents against his name and no incriminating article has been recovered from his possession. It has been submitted that the procedure of seizure has not been followed and, in fact, the petitioner was taken into custody on false pretext. This time, it has been admitted that the petitioner has altogether ten criminal antecedents against his name and in all such cases, he is on bail and in the present case, he is languishing in custody since 06.02.2026, after his application seeking modification was withdrawn *vide* order dated 19.12.2025. It has also been submitted that the petitioner was initially taken into custody on 23.09.2024.

8. The learned Addl. Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that he carries long list of criminal antecedents and, therefore, should not be released on bail.

9. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioner has remained in custody for a considerable period, let the petitioner, above-named, be released on bail on his/her furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with



Parihara P.S. Case No. 45 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his/her close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedents of the petitioner and in case, at any stage, it is found that he/she has concealed his/her criminal antecedents, the Court concerned shall take necessary steps for cancellation of his/her bail bond. 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.

(v) In view of the antecedents of the petitioner, the petitioner is directed to appear before the concerned Superintendent of Police within fifteen (15) days of his/her release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the concerned Superintendent of Police and if it is found wanting in any respect, a report shall be made to the Court concerned by him/her to initiate a proceeding for cancellation of bail of the petitioner for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the Court concerned.



10. It is made clear that the observations, if any,
made in this order, shall be of no bearing during the trial.

11. The application stands allowed.

(Sourendra Pandey, J)

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