

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32787 of 2026

Arising Out of PS. Case No.-153 Year-2025 Thana- MATIHANI District- Begusarai

Amit Kumar Son of Rama Nand Singh @ Ram Singh Resident of Village-
Sihma, Ward No. 6, P.S.- Matihani, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Ms. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2026 Heard Mr. Arjun Prasad, learned counsel for the

petitioner and Ms. Sharda Kumari, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
19.08.2025 in connection with Matihani P.S. Case No. 153 of
2025 for the offences punishable under Sections 25(1-B)(a),
26(1) of Arms Act.

3. The case of the prosecution, in brief, is that on
19.08.2025 at about 05:35 pm the informant S.I Sanjeev Kumar
has recorded his self-statement at Sihma Maraiya Tola.
Informant has stated that on receiving secret information that
wanted accused Amit Kumar of Matihani P.S. Case No.- 45/25
was hiding in a thatched hut. After informing senior officers,
informant along with other police personnel reached the spot,
surrounded the hut and entered it in the presence of independent
witnesses Rahul Kumar Rai and Om Prakash. One person
wearing a white lungi attempted to flee away but was
apprehended and disclosed his name as Amit Kumar. Upon



search, a country-made pistol and two live cartridges were recovered from his possession. Accused failed to produce any valid license for the firearm and ammunition. Accordingly, the weapon and cartridges were seized and the accused person was arrested. Thereafter the present case was registered.

4. Learned counsel for the petitioner submits that it appears from the FIR and seizure list that one country-made pistol and two live cartridges were recovered from the possession of the petitioner and it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and police after investigation has submitted charge-sheet and petitioner is in custody since 19.08.2025.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of four cases other than the present case but fairly submits that petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, 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 Judicial



Magistrate-cum-A.M., Begusarai in connection with Matihani
P.S. Case No. 153 of 2025, 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)

Gaurav Sinha/-

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