

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.35861 of 2026**

Arising Out of PS. Case No.-432 Year-2025 Thana- DALSINGHSARAI District- Samastipur

Amit Kumar @ Amit Kumar Yadav @ Salman S/O Rajendra Yadav Resident  
of Village- Said Nagar, P.S.- Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA  
ORAL ORDER**

2      08-06-2026                      Heard learned counsel for the petitioner and learned APP  
for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 310(4), 310(5), 310 (6) of the Bharatiya Nyaya Sanhita, 2023 and Section 25(1-b) (a), 35, 27, 26 of the Arms Act.

3. Acting on a tip-off, the police apprehended five persons, who were sitting in a car and upon search of the petitioner, one country made pistol and three live cartridges were recovered from him.

4. It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. Five persons were apprehended and named in the FIR and recovery has been shown from four of them, including the petitioner, from whose possession one country made pistol and three live cartridges were recovered. It is further submitted that there was no independent witness to the search and seizure violating the



mandatory provisions of seizure. The car in question also does not belong to the petitioner and he has only been made accused on account of his criminal antecedents. It is further submitted that it has wrongly been recorded in the bail rejection order that 22 cases are pending against the petitioner, as a matter of fact, the petitioner is accused only in 10 cases and out of 10 in 9 cases he has been named accused and in one case he was not sent up for trial. It is further submitted that the petitioner is on bail in all the cases. It is pointed out that one similarly situated co-accused, namely, Tonikant Bharti, having criminal antecedent, has already been granted the privilege of bail by a coordinate Bench of this Court vide order dated 11.05.2026 passed in Cr. Misc. No. 30263 of 2026. It is further pointed out that the charge-sheet has been submitted in this case. Petitioner is languishing in custody since 05.11.2025

5. Learned APP for the State opposed the bail petition on the ground that petitioner has several criminal antecedents.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that one similarly situated co-accused has already been granted the privilege of bail by a coordinate Bench of this Court and



charge-sheet has been submitted against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Dalsingsarai P.S. Case No. 432 of 2025, subject to the conditions that :

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on one date without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

7. The petitioner is directed to file an affidavit with regard to his criminal antecedents, which would be verified by the learned Court concerned before releasing him on bail and the said exercise must be completed within a period of two weeks from the date of receipt/production of a copy of this order before him.

**(Soni Shrivastava, J)**

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