

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37528 of 2026

Arising Out of PS. Case No.-59 Year-2026 Thana- HABIBPUR District- Bhagalpur

Prince Kumar Son of Pawan Yadav Resident of Kharik, P.S.- Kharik, District
- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2026 Heard Mr. Md Fazle Karim, learned counsel for the

petitioner and Mr. Uma Shankar Prasad Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
27.03.2026 in connection with Habibpur P.S. Case No. 59 of
2026, F.I.R. dated 26.03.2026 registered for the offence
punishable under Section 317(5) of B.N.S and Sections 25(1-
b)a, 26 and 35 of the Arms Act.

3. The case relates to recovery of one country-made
pistol and twenty live cartridges from possession of co-accused
person, namely, Dilkhush Kumar.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent. It appears from the FIR as well
as the seizure list that the arms has been recovered from



possession of co-accused person, namely, Dilkhush Kumar and no arms was recovered from possession of petitioner, apart from the aforesaid, the motorcycle is not the stolen property so no case is made out under Section 317(5) of B.N.S. against the petitioner and petitioner has been made accused in the present case merely on the ground that he was travelling on the motorcycle alongwith the co-accused person, namely, Dilkhush Kumar and the petitioner is in custody since 27.03.2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and petitioner has clean antecedent, 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 learned CJM, Bhagalpur in connection with Habibpur P.S. Case No. 59 of 2026, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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