IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50156 of 2026

CNR No. BRHC010723702026

Arising Out of PS. Case No.-136 Year-2025 Thana- VIDYAPATINAGAR District-Samastipur

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Birbal Kumar S/o Sukhdeo Mahto R/o Village- Simiri, PS- Vidyapatinagar, Distt.- Samastipur

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Surya Narayan Roy, Adv.
For the Opposite Party : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

6 19-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Vidyapatinagar P.S. Case No.136 of 2025 registered for the offences punishable under Sections 25(1-b)a and 26 of the Arms Act.

3. The petitioner is named in the FIR and is in custody since 01.09.2025.

4. The allegation against the petitioner is to have in possession of one country made pistol.

5. It is submitted by learned counsel appearing on

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behalf of the petitioner that alleged recovery of country made pistol was made from the roof of temporary cottage. It is submitted that FIR speaks that recovery of alleged fire arms was not made from physical possession of this petitioner. It is submitted that the house from where the pistol was seized belongs to different adult family members and, therefore, it can be said safely that same was not recovered from conscious possession of this petitioner. It is further submitted that search of premises was not made as provisioned under Section 103(4) of the BNSS and, therefore, entire seizure and search regarding recovery of fire arms appears falsified. Explaining criminal antecedent, it is submitted that petitioner found involved in eight more criminal cases, where he is on bail in all cases. While concluding argument, it is submitted that investigation of this case has already been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

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7. In view of aforesaid factual submissions and by taking note of the fact as recovery of alleged fire arms prima-facie not appears to be made from physical possession of this petitioner coupled with the fact that investigation of this case has already been completed, wherein petitioner remains in custody since 01.09.2025 accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Dalsingsarai, Samastipur/concerned court, in connection with Vidyapatinagar P.S. Case No.136 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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