

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51907 of 2026

Arising Out of PS. Case No.-57 Year-2026 Thana- MADHEPUR District- Madhubani

Mahesh Paswan @ Vikky Paswan S/O Late Dukhi Paswan @ Dukhi Das
Paswan R/O Vill.- Chikna, P.s.- Ghoghardiha, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

2 29-07-2026 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor on behalf of the State.

2. Petitioner is seeking regular bail in connection with
Madhepur P.S. Case No. 57 of 2026, offences registered u/s
310(4), 310(5), 312, 318(3), 111(3),(4) of the BNS and 25(1-b)a,
26, 35 of Arms Act and 21, 22 of the NDPS Act.

3. As per the FIR allegation, two persons were
apprehended namely Rupesh Kumar Yadav and the petitioner and
some of the accused persons had fled away, on search 63.8 gram of
brown sugar has been recovered from the conscious possession of
other co-accused Rupesh Kumar Yadav while two live cartridges
were recovered from the pocket of the petitioner. It is also alleged
that one loaded country made pistol was recovered below from the
front vehicle seat.



4. Learned counsel for the petitioner submits that the brown sugar has not been recovered from the petitioner's conscious possession, he is only alleged to have been found in possession of two live cartridges. He next submits that petitioner has remained in custody since 28.02.2026. Learned counsel further submits that petitioner is involved in three cases as mentioned in supplementary affidavit in which he is already on bail.

5. Learned APP on behalf of the State has opposed the application, but submitted that only two live cartridges were recovered from the conscious possession of the petitioner.

6. Taking into consideration the aforesaid facts that only live cartridges were recovered from the conscious of the petitioner and the quantity of brown sugar recovered is much below commercial quantity and has not been recovered from him but recovered from the co-accused, prayer for bail is allowed and the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Madhubani, in connection with Madhepur P.S. Case No. 57 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.



(iii) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any other case except the present one, his bail bond shall not be accepted.

(iv) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(v) It is also made clear that there shall not be any delay in verifying the criminal antecedent of the petitioner.

(Raj Kumar, J)

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