IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67060 of 2026

CNR No. BRHC010956752026

Arising Out of PS. Case No.-62 Year-2026 Thana- RATWARA District- Madhepura

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Rupesh Kumar @ Aditya Kumar S/O Gajendra Singh Resident of Village- Khapur, P.S. Ratwara, District- Madhepura.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Brajesh Kumar Singh Alias Brajesh Singh,Adv
For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 04-11-2026 Heard Mr. Brajesh Kumar Singh, learned counsel for the petitioner and Mr. Surendra Prasad Singh, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who has been in custody since 05.06.2026 in connection with Ratwara P.S. Case No. 62 of 2026 for the offences punishable under Section 310(4) of BNS and Sections 25(1-B)A and 26 of the Arms Act.

3. The prosecution case, in brief, is that, acting upon secret information that some criminals had assembled at Khapur Village near Kala Bhawan, the police party proceeded to the spot and surrounded a hut constructed of tin sheets and thatch (Phus). Upon reaching there, the police allegedly found six persons enjoying a *Bhunja Party*. On being asked, they disclosed their identities as (i) Akhilesh Mehta, (ii) Saurav Kumar, (iii) Om Kumar, (iv) Rupesh Kumar (the petitioner), (v) Kundan Singh and (vi) Gurudeo Kumar. Upon search, one loaded country-made pistol was allegedly recovered from the

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possession of accused Akhilesh Mehta, while one loaded country-made pistol along with a mobile phone was recovered from accused Saurav Kumar. Similarly, two live cartridges and a mobile phone were allegedly recovered from the possession of accused Om Kumar. However, upon search of the present petitioner, Rupesh Kumar, nothing incriminating was recovered except one mobile phone. Likewise, one mobile phone was recovered from accused Kundan Singh, whereas one keypad mobile phone was recovered from accused Gurudeo Kumar. It is further alleged that one Pulsar motorcycle was found parked near the entrance of the aforesaid hut. In the meantime, several family members of accused Gurudeo Kumar allegedly arrived at the place of occurrence and forcibly took him away from police custody. The seizure list has been annexed to the written report.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is further submitted that although the petitioner was found at the place of occurrence but from bare perusal of the seizure list it appears that that the arms were recovered from the possession of the co-accused persons,

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namely, Akhilesh Mehta, Saurav Kumar and Om Kumar, and no incriminating material was recovered from the conscious possession of the petitioner. It is also submitted that co-accused Kundan Kumar @ Kundan Singh has already been granted regular bail *vide* order dated 19.09.2026 passed by a Coordinate Bench of this Court in Cr. Misc. No. 66167 of 2026 by a Coordinate Bench of this Court. Learned counsel for the petitioner next submits that police after investigation has submitted charge-sheet and petitioner has been in custody since 05.06.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has antecedent of one case but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that no incriminating material has been recovered from the possession of the petitioner and similarly situated co-accused person has been granted bail by a Coordinate Bench of this Court, 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 Chief Judicial Magistrate, Madhepura in connection

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with Ratwara P.S. Case No. 62 of 2026, 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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