IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68982 of 2026

CNR No. BRHC010960752026

Arising Out of PS. Case No.-105 Year-2026 Thana- BALIA BELON District- Katihar

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Md. Arif @ Mohammad Arif Hossain Son of Jamshed Ali Resident of Bharri Dadana Rega, P.O.- Durgaganj, Police Station - Kadwa, District - Katihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. At the outset, learned counsel for the petitioner is permitted to make necessary correction/s in paragraph No.3 of the supplementary affidavit in course of the day.

3. The petitioner seeks bail in connection with Balia Belone P.S. Case No. 105 of 2026 instituted for the offence under Sections 25(1-B)a, 26 & 25 of the Arms Act.

4. Prosecution case in short is that there is recovery of one country made pistol and two live cartridges from the possession of the co-accused persons. Petitioner was arrested from the spot.

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5 It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.07.2026. Petitioner bears two (2) criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

6. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that petitioner has no concern with the recovered arms. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel next submits that police after investigation has already submitted charge sheet in this case. There is no compliance of Section 103 of the BNSS, 2023.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Balia Belone P.S.

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Case No. 105 of 2026, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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