IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67694 of 2026

CNR No. BRHC010981262026

Arising Out of PS. Case No.-460 Year-2026 Thana- BIHTA District- Patna

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Pappu Kumar Son of Doman Rai Resident of Village - Sampat Chak, Police Station - Gopalpur, District - Patna.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Raj Krishna Jha, Adv.
For the Opposite Party : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 04-11-2026 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bihta P.S. Case No. 460 of 2026 registered for the offences under Sections 132, 109 & 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short, the 'B.N.S.') and Section 25(1-B)(a)/26/27/35 of the Arms Act.

3. The petitioner is named in the First Information Report and is in custody since 14.05.2026.

4. As per FIR, petitioner alongwith other co-accused persons opened firing on police team while the police were involved in searching of fire-arms on the basis of disclosure

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made by the petitioner, who confessed to be used in committing offence, for which Gaurichak P.S. Case No. 400/2025 was registered.

5. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner was brought at an isolated place purely on imaginary ground for the purpose of his encounter but due to gathering of local residents, police could not succeed.

6. It is submitted that petitioner was in police custody and, therefore, taking out pistol suddenly, which was kept in the bushes behind a tin shed owned by Shajid Ahmad @ Pappu and, thereafter firing upon the police team, appears unbelievable.

7. It is submitted that due to alleged firing no police personnel received injury during the occurrence. It is submitted that no empty cartridges were recovered from the place of occurrence which may support the allegation. It is submitted that to create a defence for its own illegal act, police lodged this case with allegation that petitioner opened firing upon the police team.

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8. While concluding argument, it is submitted that investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

9. Explaining criminal antecedent of the petitioner, it is submitted that petitioner found involved in two more criminal cases, where he is on bail.

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

11. In view of aforesaid factual submission and by taking note of the fact as non-finding of empty cartridge from the place of occurrence as it appears from the seizure list *prima facie* creates a doubt qua allegation as raised by the informant, coupled with the fact that investigation of this case has already concluded, wherein petitioner remains in custody since 14.05.2026, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Danapur at Patna/concerned court, in

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connection with Bihta P.S. Case No. 460 of 2026, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J.)

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