IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77513 of 2026

CNR No. BRHC010998202026

Arising Out of PS. Case No.-450 Year-2025 Thana- CHIRAIYA District- East Champaran

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Ajay Singh @ Baghawa, S/O Late Yogendra Singh @ Late Yogendra Sing Resident of Village- Barwa Khurd, P.S.- Kundwa Chainpur, District- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner, who is in custody, seeks bail in connection with Chiraiya P.S. Case No. 450 of 2026 registered for the offences punishable under Sections 111 of the Bharatiya Nyaya Sanhita, 2023 and Section 25(1-b)a, 26 and 35 of the Arms Act, 1959.

3. As per the FIR, the police intercepted a vehicle and apprehended three persons and on search, the driver (petitioner) was found to be carrying one magazine containing four live cartridges of 7.65 mm, one live cartridge of 7.62 mm and one country-made pistol which was kept on the seat of the driver

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while one country-made katta, three magazines of pistol and 67 live cartridges, which were wrapped in a towel and kept under the driver's seat.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he is merely the driver of the vehicle and he has been falsely implicated by the police, as the said recovered articles do not belong to the petitioner. It has further been submitted that a similarly situated co-accused person, namely, Guddu Kumar, was granted bail by this Hon’ble Court vide order dated 12.03.2026 (Annexure-P/2). It has next been submitted that no recovery has been made from the conscious possession of the petitioner rather, the same was recovered from the seat of the driver and under the seat of the driver. It has lastly been submitted that the petitioner has been implicated merely because he carries three antecedents of a similar nature. It has been submitted that the petitioner is in custody since 16.10.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Having heard the learned counsel for the parties and considering the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.

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10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chiraiya P.S. Case No. 450 of 2026, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Motihari, East Champaran within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept

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under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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