IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78752 of 2026
CNR No. BRHC011047572026
Arising Out of PS. Case No.-262 Year-2026 Thana- KAHALGAON District- Bhagalpur

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Md. Imtiyaz @ Imtyaz @ Imtiyaz son of Sheikh Akbar Resident Of Village - Barari P.S-Mehrama,District -Godda State -Jharkhand

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Swati Parmar, Adv.
: Mr. Arvind Kumar Singh, Adv.
For the Opposite Party : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Khalgaon P.S. Case No.262 of 2026 registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. The petitioner is named in the FIR and is in custody since 06.07.2026.

4. As per FIR, during police checking, one of the co-accused, namely, Chhotu Kumar Yadav was apprehended with two country made pistol, four cartridges and one mobile phone while other co-accused(petitioner) who managed to escape from the spot.

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5. It is submitted by learned counsel appearing for petitioner that the name of petitioner transpired on the basis of disclosure made by apprehended co-accused Chhotu Kumar Yadav. It is pointed out that no fire arms alleged to be recovered from the physical possession of this petitioner and also nothing transpired during the investigation that this petitioner was under knowledge of fire arms which was carried by apprehended co-accused Chhotu Kumar Yadav as to suggest constructive possession of the petitioner for the recovered fire arms. In this context, it is further submitted that apprehended co-accused Chhotu Kumar Yadav has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 75182 of 2026, dated 15.10.2026 and, therefore, as a matter of judicial parity, this petitioner also deserves bail. While concluding argument, it is submitted that investigation of this case has already been concluded, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer for grant of bail

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to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as recovery of fire arms *prima-facie* not appears to be made from physical possession of this petitioner coupled with the fact that investigation of this case has already been concluded, wherein petitioner being a man of clean antecedent remains in custody since 06.07.2026, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, in connection with Khalgaon P.S. Case No.262 of 2026, subject to the conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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