IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81129 of 2026

CNR No. BRHC011060652026

Arising Out of PS. Case No.-339 Year-2025 Thana- JOKIHAT District- Araria

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Devid @ Lalu @ Gulab S/o Md. Moazzam R/o Village - Chirah, Ward no. 03, PS - Mahalgaon, District - Araria, Pin - 854311

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. N.K.Agrawal, Sr.Advocate
: Mr.Asif Ansari, Advocate
For the Opposite Party/s : Mrs.Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 25-11-2026 Heard Mr. N.K.Agrawal, learned senior counsel appearing for the petitioner and Mrs.Pushpa Sinha, learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since 11.04.2026 in connection with Jokihat P.S. Case No. 339 of 2025, F.I.R. dated 12.10.2025 registered for the offence punishable under Sections 317(4),178 of BNS, 2023 and Section 25 (1-B)(a),26,35 of Arms Act, 1959.

3. The case relates to recovery of one pistol and two live cartridges from possession of Md. Jahid, one pistol and three live cartridges from possession of Rojid and one pistol like plastic and Rs. 50,000/- from Apache motorcycle.

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4. Learned senior counsel appearing for the petitioner submits that initially the petitioner was not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of suspicion and except the suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and no incriminating article has been recovered from possession of the petitioner. The police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.04.2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that during investigation the name of the petitioner has been transpired and apart from that, the petitioner carries nine more cases other than the present one but fairly submits that out of nine cases, the petitioner is on bail in eight cases and rest one case is pending for consideration before the competent court of law, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, initially the petitioner was not named in the FIR, no incriminating article has been recovered from possession of the petitioner and

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except the suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence, 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 learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 339 of 2025, with 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/her absence on two consecutive dates without sufficient reason, his/her 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

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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)

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