IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76427 of 2026

CNR No. BRHC011073002026

Arising Out of PS. Case No.-278 Year-2026 Thana- SAHARSA SADAR District- Saharsa

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Akshay Kumar @ Raja Tiwari Son of Late Naresh Tiwari Resident of Village- Tiwari Tola, ward no. 26, P.S.- Saharsa Sadar, Dist.- Saharsa

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, 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. The petitioner seeks bail in Saharsa Sadar P.S. Case No. 278 of 2026 instituted for the offences under Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. Prosecution allegation, in short, is that the arms and ammunitions allegedly used in the murder of Chhotu Mishra were recovered from a gym room of co-accused.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The name of the petitioner has transpired in this case on the confessional statement of co-accused persons, namely Abhinav

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Kumar and Shivam Kumar. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of arms and ammunitions. The petitioner is in custody since 15.03.2026 and has one criminal antecedent. There is no compliance of Section 103 of Bharatiya Nagarik Suraksha Sanhita, 2023. Co-accused has been granted regular bail by this Bench vide order dated 26.10.2026 passed in Cr. Misc. No. 74371 of 2026.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Saharsa Sadar P.S. Case No. 278 of 2026.

(Rudra Prakash Mishra, J)

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