IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75406 of 2026

CNR No. BRHC011094692026

Arising Out of PS. Case No.-62 Year-2026 Thana- RATWARA District- Madhepura

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Om Kumar S/O Pawan Mukhiya Resident of Village- Mohanpur Chaumuk, Ward no 16, PS-Bihariganj, District- Madhepura

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Ratwara P.S. Case No. 62 of 2026 registered for the alleged offences under Section 310(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 25(1-b)a, 26 of the Arms Act.

03. As per prosecution case, police received a tip-off about assembly of some miscreants for committing some major crime and a raid was conducted and six persons were apprehended including this petitioner. From the co-accused Akhilesh Mehta and Saurabh Kumar, recovery of three loaded country *katta* was made and from this petitioner, recovery of two live cartridges was made. From other co-accused persons, mobile phones were recovered. One motorcycle was also seized.

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One of the co-accused persons was freed by his family members.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The recovery shown from the petitioner is only of two live cartridges, which are useless in absence of any firearm. No firearm was recovered from this petitioner. Learned counsel also submits that in these circumstances, no offence under the Arms Act is made out against the petitioner and other allegations are not believable. A similarly situated co-accused, namely Kundan Kumar, from whom recovery of mobile phone was made, has been granted bail by a learned Co-ordinate Bench vide order dated 19.09.2026 passed in Criminal Misc. No. 66167 of 2026. The petitioner is having antecedent of three case and is on bail in all such cases. The petitioner is in custody since 05.06.2026 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of recovery and also considering the period of custody of the petitioner along with submission of charge-sheet, the

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petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Madhepura/court concerned in connection with Ratwara P.S. Case No. 62 of 2026, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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