IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75951 of 2026

CNR No. BRHC011096182026

Arising Out of PS. Case No.-179 Year-2026 Thana- BARHARA KOTHI District- Purnia

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Ashok Pathak Son of Late Upendra Pathak Resident Of Village- Aurahi, Ps- Barhara Kothi, Dist- Purnea

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Jitendra Kumar Pandey, Adv.
For the Opposite Party : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Barhara Kothi (B.Kothi) P.S. Case No.179 of 2026 registered for the offences punishable under Sections 25(1-B)a and 26 of Arms Act.

3. The petitioner is named in the FIR and is in custody since 12.08.2026.

4. As per FIR, one country made pistol along with forty live cartridges and also three knives with wooden butt alleged to be recovered from the house of the roof of the petitioner.

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5. It is submitted by Mr. P.K. Shahi, learned senior counsel appearing for petitioner that alleged recovery appears to be made from the house of the petitioner, which is occupied by different adult family members. It is submitted that mandatory compliance of Section 103(4) of BNSS not appears to be followed in the present case, making the entire search and seizure doubtful on its face. It is further submitted that even as per FIR, the recovery was made from a box which was kept in a room constructed at roof of the main building and, therefore, it cannot be said that recovery was made from physical possession of this petitioner. Arguing further, it is submitted by Mr. Shahi that this petitioner was implicated with the present recovery only for his criminal antecedents as he was involved in two similar nature of cases which is of year 2003 and one case is related with Section 307 of the IPC, whereas the petitioner served his sentence after conviction and acquitted in the case lodged under Section 307 of the IPC. It is further submitted by Mr. Shahi that seizure list witnesses also appears doubtful being not supported by independent

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witnesses rather it appears to be supported by police personnel themselves.

6. Learned APP opposed the prayer for grant of bail 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 conscious physical possession of this petitioner, wherein petitioner remains in custody since 12.08.2026, 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, Purnea, in connection with Barhara Kothi (B.Kothi) P.S. Case No.179 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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