IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79874 of 2026

CNR No. BRHC011116532026

Arising Out of PS. Case No.-223 Year-2025 Thana- SONBERSHA RAJ District- Saharsa

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Raushan Kumar @ Raushan Yadav @ Roshan Kumar, Son of Bilash Yadav, Resident of Village - Biratpur Basbitti, Ward No. - 11, P.S. - Sonbarsa Raj, District - Saharsa.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sugandh Saurabh, Advocate
For the Opposite Party/s : Dr. Indiwar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sonbarsa Raj P.S. Case No. 223 of 2025, registered for the offence under Sections 25(1-B)a & 26 of the Arms Act.

3. As per prosecution case, a raid was conducted on the house of the petitioner, accused in some other case for which warrant has been issued against him. The petitioner fled away when the raid was being conducted and recovery of a country made *katta* and three live cartridges were made from the bed of the petitioner.

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4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and no incriminating article was recovered from his conscious possession and the recovery shown from the house of the petitioner is planted. No independent witness has signed the seizure list and there is violation of Sections 103 & 105 of BNSS. The petitioner is in custody since 01.07.2026 and is having antecedents of three cases and he is on bail in all these cases. Charge sheet has been submitted.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is having antecedents of three cases and one case is of similar nature.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class,

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Saharsa/concerned court, in connection with Sonbarsa Raj P.S. Case No. 223 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other 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, if so required by the learned trial court.

(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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