IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77501 of 2026

CNR No. BRHC011124602026

Arising Out of PS. Case No.-252 Year-2026 Thana- MASHRAK District- Saran

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Dhananjay Kumar @ Dhananjay Kumar, Ram S/o Rajendra Ram R/o Village-Ghoghiya, P.S- Mashrakh, Distt.- Saran.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner, who is in custody, seeks bail in connection with Mashrakh P.S. Case No. 252 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 109, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 25(1-b)a, 26 and 35 of the Arms Act, 1959.

3. The allegation against the petitioner is that he, along with two other accused persons, was apprehended by the police with illegal arms. As far as the petitioner is concerned, a pistol without magazine was recovered from his waist.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no

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such recovery as stated in the FIR has been made. It has further been submitted that as per the FIR, only a pistol is said to have been recovered without any magazine therein and therefore, the allegation that the petitioner was threatening the informant is also not substantiated. It has also been submitted that the learned Court of 1st Additional Sessions Judge, Saran at Chapra, while rejecting the bail application, has erroneously recorded that the petitioner carries one criminal antecedent, in fact, the petitioner does not have any criminal antecedent. It has lastly been submitted that the petitioner is in custody since 22.04.2026.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties and taking account of the fact that a pistol has been recovered from the waist of the petitioner without any magazine therein and moreover considering the period of custody of the petitioner, 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 the learned court below where the case is pending/successor court in connection with Mashrakh P.S. Case No. 252 of 2026, subject to

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the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two 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.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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