

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77807 of 2025

Arising Out of PS. Case No.-187 Year-2025 Thana- MAIRWAN District- Siwan

Praful Kumar @ Vikash Kumar, S/o Prem Prakash @ Jagan, Resident of Village-Hajipur Hathisarganj Naka No.- 3, P.S.- Vaishali Town, Dist- Vaishali (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-02-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Mairwa P.S. Case No.187 of 2025 registered for the offences punishable under Sections 310(4), 310(5), 317(5) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') as well as Sections 25(1-A) and 25(1-B) (a) of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 30.04.2025.

4. Allegation against petitioner is to have in possession of one loaded country-made pistol and one loaded pistol along with eleven live cartridges.

5. It is submitted by learned counsel appearing for



petitioner that upon raid, from the same room four co-accused persons were apprehended with alleged arms and amunitions. It is pointed out that the recovery of pistols was not made from person of the petitioner rather it was kept in bag, which was not connected in any manner with this petitioner and, thus, it can be safely said that recovery of alleged arms and amunitions not appears to be made from conscious physical possession of this petitioner. It is submitted that seizure list *qua* recovery appears doubtful in view of the fact that same is not appears supported by independent witnesses rather by police personnel. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover the petitioner found involved in two more criminal cases, where he is on bail.

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 alleged pistols and



cartridges *prima facie* not appears to be recovered from conscious physical possession of this petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 30.04.2025, 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 Additional Chief Judicial Magistrate-V, Siwan in connection with Mairwa P.S. Case No.187 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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