IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80917 of 2026

CNR No. BRHC011164702026

Arising Out of PS. Case No.-175 Year-2026 Thana- PHULWARIA District- Begusarai

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Sachin Kumar @ Lakra S/o Suresh Singh @ Suro Singh Resident of Village- Nipaniya, Ward No. 24, P.S.- Phulwaria, District- Begusarai

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Binod Kumar, Advocate
Ms. Ayushi, Advocate
Mr. Amit Prakash, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned A.P.P. on behalf of the State.

2. This application is filed for grant of regular bail to the petitioner who has been made accused in connection with Phulwaria P.S. Case No. 175 of 2026, registered for the offences punishable under Sections 25(1-B)a and 26 of the Arms Act.

3. As per the prosecution case, police received information that the petitioner who was wanted in Phulwaria P.S. Case No. 158 of 2026, was sitting near a school and the police apprehended him. On interrogation, the petitioner confessed about firing at a rival's house in revenge and hiding the firearm under bricks at his dera. Based on his disclosure,

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police conducted a search at his dera and recovered one country-made pistol, one misfired cartridge, and one live cartridge of .315 bore. A seizure list was prepared and the current FIR under the Arms Act was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged in the FIR and has been falsely implicated in the present case on the basis of suspicion and malice. It is submitted that no illegal arms or ammunition were recovered from the physical, conscious, or exclusive possession of the petitioner. The alleged recovery was made from under bricks at an open area accessible to all as it was a common family property.

5. Further, it is submitted that the mandatory provisions of search and seizure under Sections 103 and 105 B.N.S.S. were violated as there was no independent local witnesses and the search was conducted at midnight, and also, no audio-video recording was made.

6. Learned counsel for the petitioner submits that investigation has been completed and charge-sheet has been filed against the petitioner and the petitioner is in judicial custody since 28.07.2026 having four criminal antecedents and in all of the cases, the petitioner has been granted bail.

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7. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

8. Considering the fact that the recovery was made from under bricks at an open area accessible to all as it was a common family property and also taking into consideration the period of custody and also the materials available on record, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand rupees) with two sureties of the like amount each to the satisfaction of the Court of learned Judicial Magistrate, 1st Class, Begusarai in connection with Phulwaria P.S. Case No. 175 of 2026 on the following conditions:-

(i) That one of the bailors should be family member of the petitioner.

(ii) That the petitioner will cooperate in the trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the Court, he should physically appear in Court on that date.

(iii) If the petitioner tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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(iv) The trial Court shall verify the criminal antecedents of the petitioner and if at any stage, it is found that the petitioner has concealed his criminal antecedents, the trial Court shall take steps for cancellation of the bail bond of the petitioner. However, the acceptance of bail-bond shall not be delayed for the purpose of in name of verification.

(Kumar Manish, J)

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