

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82869 of 2025

Arising Out of PS. Case No.-290 Year-2025 Thana- KHAJANCHI HAT District- Purnia

Awinash Kumar @ Avinash Kumar Son of Sri Ram Lochan Kumar Resident
Of Village- Maniappa, Ps- Matihani, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, A.P.P

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 26-02-2026 Heard Mr. Ajay Thakur, the learned counsel for the
petitioner and learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 223, 318 (4), 338, 336 (3), 61
(2) of B.N.S, 2023 and Sections 25 (1-b) a and 26 (1) of the
Arms Act.

3. As per the prosecution case, five miscreants were
apprehended along with illicit cartridges, arm license book,
driving license and mobile etc.

4. Learned counsel for the petitioner submits that the
petitioner is not named in the First Information Report as an
accused and his name has transpired, subsequently, during the
course of investigation, in the statements of four witnesses



whose statements were recorded in paragraphs 31, 37, 38 and 45 of the case diary who had stated that they had deposited their arms at Vishal gun house run by one Indrajeet Kumar and deposited the license to the petitioner who was a clerk at the arms section and it is after filing of this case that it came to their knowledge that their license have been manipulated by the petitioner and has been handed to other persons who have procured some bullets from Vishal gun house. It is submitted that these statements have been made on mere knowledge which does not have any foundational basis as the license is never submitted to a clerk but is submitted in the office which is kept in the safe custody of the office. Further, the accused persons who have used such manipulated license have already been taken into custody and the case against the present petitioner, at best, is that he had made available some already surrendered license to other persons for which he is in custody since 05.08.2025.

5. Learned APP for the State opposed the bail petition on the ground that the petitioner's involvement has been found in giving out the manipulated license to other accused persons.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that even



accepting the evidence collected during the course of investigation which is mostly based on suspicion and confessional statement before police which has no evidentiary value, the allegation is confined to making available some surrendered license to other co-accused persons, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs10,000/- (Rupees 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 K. Hat P.S. Case No. 290 of 2025.

(Soni Shrivastava, J)

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