

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91323 of 2025

Arising Out of PS. Case No.-303 Year-2021 Thana- ROSERA District- Samastipur

Ashutosh Kumar Mourya @ Golu @ Ashutosh Mourya @ Rahul, Son of Ram
Rekha Prasad, Resident of village- Madhaipur PS -Dalasingsarai District
-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 11-02-2026 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 Rosera P.S. Case No.303 of 2021 registered for the offences punishable under Sections 25(1-B)a, 26, 35 of the Arms Act, 1959.

3. As per the prosecution case, the allegation against the petitioner is that he fled away from the place of occurrence and the police apprehended one person along with a country-made pistol and two live cartridges.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case at the behest of the police only on account of his long list



of criminal antecedents. It has further been submitted that that no incriminating article has been recovered from the conscious possession of the petitioner and the case under the Arms Act is not made out against the petitioner. It has lastly been submitted that though the petitioner has twelve criminal antecedents, in the present case he is in custody since 04.10.2024.

5. The learned A.P.P. has vehemently opposed the prayer for bail and has stated that the petitioner has a long list of criminal antecedents and he should not be released on bail.

6. Considering the aforesaid submissions made by the parties, 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 Rosera P.S. Case No.303 of 2021, subject to 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.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Samastipur within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

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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