

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90891 of 2025

Arising Out of PS. Case No.-367 Year-2025 Thana- AGAMKUAN District- Patna

Ashik Kumar @ Ashik @ Chhotu @ Chhote Sarkar Son of Nankhi Mahto @
Ram Kishun Mahto Resident of Village- Dhanki, Jaipur, P.S.- Agam Kuan,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-01-2026 Heard Mr.Gajanan Mishra, learned counsel for the
petitioner and Mr.Aditya Narayan Singh.1, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
06.05.2025 in connection with Agam Kuan P.S. Case No. 367
of 2025, F.I.R. dated 06.05.2025 registered for the offence
punishable under Sections 310(4),310(5),317(5),61(2) of BNS
and Sections 25(1-b)a,26/35 of Arms Act.

3. The case relates to recovery of two country made
pistol and four live cartridges.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the



present case on the basis of self statement of the petitioner and confessional statement of other co-accused persons, arms has been recovered from the place of occurrence. Learned counsel for the petitioner submits that the petitioner has been arrested on 05.05.2025 but the recovery has been made on 06.05.2025 and it appears from the seizure list that one country made pistol, four live cartridges and one local katta have been recovered from the place of so called Khatal. Learned counsel for the petitioner submits that the petitioner has no concern at all with the alleged recovery of arms as mentioned in the seizure list and after arrest in the present case the petitioner has been falsely implicated in seven criminal cases other than the present one as mentioned in para-3 of the bail petition. The police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.05.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one but fairly submits that out of seven cases, the petitioner is on bail in five cases and rest two cases are pending for consideration before the competent court of law, as mentioned in para-3 of the bail petition.



6. Considering the aforesaid fact, 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 learned A.C.J.M.-IV, Patnacity, Patna in connection with Agam Kuan P.S. Case No. 367 of 2025, with the following conditions:-

(I) Learned court below shall verify the genuineness of paragraph-12 of the bail petition which suggests that after arrest of the petitioner in the present case, the petitioner has been remanded in other cases, as mentioned in paragraph-3 of the bail petition.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(IV) And, further condition that the 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.

(Rajesh Kumar Verma, J)

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