

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 91250 of 2025**

Arising Out of PS. Case No.-101 Year-2024 Thana- DUMARIYA District- Gaya

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Akash Kumar S/o- Kamlesh Paswan Village- Pokharpur PS-Bodhi Bigha
Distt- Gaya Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Upendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER**

- 2 15-01-2026 1. By means of this bail application, petitioner, who is involved in connection with Dumaria P.S. Case No. 101 of 2024 registered for the offences under Sections 25(1-B)(a), 26,35 of the Arms Act seeks enlargement on bail during the pendency of trial.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.
3. The prosecution story in short, is that the informant got information on 25.12.2024 by SHO, about arresting of the accused persons namely Akash Kumar, Suraj Kumar and Ramraj with respect to Bodhi Bigha P.S. Case No.79/2024 and after his confession about his involvement in the said case, one pistol and two cartridges have been recovered at the pointing out of the petitioner from the house of one Funjay Paswan (*Mausa* of the petitioner).
4. It is argued by learned counsel for the petitioner that petitioner is innocent and he has been falsely implicated in this



case due to ulterior motive. It is further argued by the learned counsel for the petitioner that one F.I.R. was lodged on 25.12.2024 under Section 309 (6), 103 of BNS at Bodhi Bigha Police Station bearing Bodhi Bigha P.S. Case No. 79 of 2024 against unknown persons. In connection with said case, the petitioner (Akash Kumar), Suraj Kumar and Ramraj were apprehended by the police on 26.12.2024 and thereafter on the basis of his alleged confessional statement shown recovery of one country made pistol and two cartridges at the pointing of the petitioner from the house of Funjay Paswan (*Mausa* of the petitioner) and thereafter, he has been implicated in the present case for the offences punishable under Sections 25(1-B)(a), 26,35 of the Arms Act. It is also pointed out that in Bodhi Bigha P.S. Case No. 79 of 2024, the petitioner has been granted bail by a co-ordinate Bench of this Court vide order dated 14.11.2025 passed in Cr. Misc. No. 75594 of 2025. The petitioner, has criminal history of one case in which he is on bail. Averments in this regard have been mentioned in paragraph no.3 of the bail application. Several other submissions in order to demonstrate the falsity of the allegations made against the petitioner have also been placed forth before the Court. Lastly, it is submitted that petitioner is languishing in jail since 13.01.2025 and in case



he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the applicant reiterating the prosecution case as mentioned in F.I.R. but he does not dispute the averment made in bail application and the submission made at the bar on behalf of the petitioner.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that the petitioner has been made accused on the basis of his confessional statement recorded in Bodhi Bigha P.S. Case No. 79 of 2024 in which he is on bail. The investigation has been completed and charge-sheet has been submitted against the petitioner. Now there is no possibility of tampering with the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial of the petitioner in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence,



severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties made at the bar and reasons as noted above, this Court is of the opinion that the petitioner is liable to be released on bail.

8. Accordingly, the bail application of the petitioner stands **allowed**.

9. Let the petitioner namely, Akash Kumar be released on bail in the aforesaid case on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:-

(i) That the petitioner shall cooperate with the expeditious disposal of the trial and shall regularly attend the Court unless inevitable. Two consecutive default in putting appearance shall lead to an action towards cancellation of the bail bond of the petitioner.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iii) That the petitioner shall not directly or indirectly



involve in any criminal activity after being released on bail.

(iv) In case, at any stage it is found that the petitioner has disclosed his incomplete criminal history before this Court, learned Court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the Court below that statement regarding previous bail petition is wrong, learned Court below shall cancel the bail bonds of the petitioner.

10. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

11. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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