

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91762 of 2025

Arising Out of PS. Case No.-1710 Year-2025 Thana- PHULWARISHARIF District- Patna

1. Vishal Raj S/o Vijay Mehta @ Vijay Mahto R/o Village - Ranipur, Ward No. 27, P.S - Phulwarisharif, District - Patna
2. Dharmendra Kumar S/o Nandu Pal R/o Mohalla - Kanhaiya Nagar, Ward No. 12, P.S - Phulwarisharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 11-02-2026 Heard the learned counsel for the petitioners and the learned Addl. Public Prosecutor for the State.

2. The petitioners, who are in custody, seek bail in connection with Phulwarisharif P.S. Case No. 1710 of 2025 registered for the offence(s) punishable under Section(s) 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.) and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the police apprehended two persons and seven live cartridges and a pistol was recovered from them along with other articles for gambling.

4. The learned counsel for the petitioners submits



that they have falsely been implicated in this case and no such seizure as alleged has been made. It has been submitted that from the perusal of the F.I.R., it would be evident that the police initially had stated about the gambling part and subsequently it seems that, as the superimposition, the allegation of recovery of pistol has been alleged. It has further been submitted that petitioner No. 1 has one criminal antecedent against his name, while petitioner No. 2 has clean antecedent and they both are in custody since 20.10.2025.

5. The learned Addl. Public Prosecutor for the State has vehemently opposed the prayer for bail has submitted that the petitioners were apprehended with arms.

6. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioners have remained in custody since 20.10.2025, let the petitioners, above-named, be released on bail on their furnishing bail bond of Rs. 10,000/- (Ten Thousand) each 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 Phulwarisharif P.S. Case No. 1710 of 2025, subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be their close relative and the other shall be a local resident.



(ii) The petitioners shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the concerned Court.

(iv) If the petitioners, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The concerned Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that they have concealed their criminal antecedents, the Court concerned shall take necessary steps for cancellation of their bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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