

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4427 of 2026

Arising Out of PS. Case No.-813 Year-2025 Thana- AMARPUR District- Banka

1. Mithundeo Kumar S/o- Kapildeo @ Kapildev Dev Village Fullidimar PS- Fullidumar District- Banka
2. Mithun Kumar S/o- Kamleshwari Yadav Village Fullidimar PS- Fullidumar District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-02-2026 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Amarpur (Mainma O.P.) P.S. Case No. 813 of 2025, instituted for the offences punishable under Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that one country made pistol and one live cartridge have been recovered from the handle of a motorcycle and the petitioners were arrested on spot.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from



the conscious possession of the petitioners. Learned counsel for the petitioners also submitted that the allegation levelled against the petitioners are general and omnibus in nature. The petitioners have been arrested only on the basis of suspicion. It is further submitted that the petitioners have got no concern with the alleged recovery of arms. The petitioners are in custody since 17.11.2025 and have got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail ***after framing of charge, if not already framed,*** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amarpur (Mainma O.P.) P.S. Case No. 813 of 2025, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the prosecution will have liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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