

IN THE COURT OF SESSIONS JUDGE, AURANGABAD (BIHAR)

B.P. No. 298/2026

Arising out of Narari Kala Khurd P.S. Case No. 38/2026

Present:- Vishwa Vibhuti Gupta, I/c Sessions Judge, Aurangabad (Bihar)

1. Miraj Alam, S/o Sayuddin Ansari, age-25 years, R/o village- Roor, P.S.- Narari Kala Khurd, District- Aurangabad (Bihar).

2. Juber Alam, S/o Kamruddin Ansari, age-26 years, R/o village- Roor, P.S.- Narari Kala Khurd, District- Aurangabad (Bihar).

... .. Petitioner(s)

Versus

The State of Bihar

... ..Opposite Party(s)

Appearance :

For the Petitioner(s) : Sri Ashok Kumar Gupta, Adv.
For the State : Sri Ajay Kumar, P.P.

16.03.2026

The petitioners, who have been undergoing judicial custody since 03.03.2026, preferred this application for grant of regular bail in connection with Narari Kala Khurd P.S. Case No. 38/2026 instituted under Section 25(1-B)a, 26, 35 of the Arms Act. A copy of the bail petition has been served upon Ld. P.P. for the state.

The brief facts of the case are that the petitioners along with other four co-accused persons, who were riding over two motorcycles, have been apprehended by the police and on search, one country made pistol has been recovered from the possession of co-accused Sushil Kumar. On search, one mobile phone from each of the petitioner has ben recovered from their possession.

Learned counsel for the petitioners have submitted that petitioners are quite innocent and have been falsely implicated in this case. No incriminating material has been recovered from the possession of the petitioner, rather one country made pistol has been recovered from the possession of one co-accused Sushil Kumar, who is not the petitioner herein. On the alleged date of the occurrence, the petitioners along with other co-accused persons, had gone to attend the Barat of their friend named as Raju Paswan and when they were returning back to their house, they were arrested by the police. Seizure list does not contain the name or signature of any independent witness. Petitioners are having no criminal antecedent. It is lastly submitted that the petitioners have been languishing under judicial custody since 03.03.2026. It is therefore prayed that the petitioners be released on bail.

Per contra, learned P.P. opposed the prayer for grant of bail to the petitioners.

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Heard learned counsel for the petitioners and learned P.P. for the State.

As per F.I.R., the petitioners along with other four co-accused persons, who were riding over two motorcycles, have been apprehended by the police and on search, one mobile phone from each of the petitioner and one country made pistol from the possession of co-accused Sushil Kumar, were recovered. From perusal of F.I.R. itself it appears that no incriminating material has been recovered from the conscious possession of these petitioners. Petitioners are having no criminal antecedent, as mentioned at para-3 of the bail petition. Petitioners are languishing under judicial custody since 03.03.2026. No one shall be deprived from his life and personal liberty except according to procedure established by law. From perusal of the record it transpires that police has not furnished to the petitioner the ground of arrest or the reason of arrest, which vitiate the arrest procedure and the custody of the accused becomes illegal under Article 22 of the Constitution of Indian and Section 47 of BNSS.

Considering the aforesaid facts, nature of allegation against the petitioners and the fact that the petitioners are having clean antecedent and they have been languishing under judicial custody since. **Hence, the bail petition filed on behalf of the petitioners is hereby allowed.** It is directed to release the petitioners on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount.

Dictated

(Vishwa Vibhuti Gupta)
I/c Sessions Judge
Aurangabad (Bihar)