

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BEGUSARAI

B.A. No. 298/2026

**Ref:- Arising out of Nimachandpura P.S. Case No. 128/2025
U/S-25(1-b)a/26 of Arms Act.**

Dt: 05.12.2025

In the matter of:-

**Suraj Kumar, S/o Mahendra Sharma, R/o vill. Parna ward no. 02, P.S.
Nimachandpura, Distt. Begusarai**

.....Petitioner

Vrs.

The State of Bihar

.....Opposite Party

Present:- Rishi Kant

Principal Sessions Judge, Begusarai

Ld. Counsel for the petitioner:- Sri Rajesh Kumar Gupta, Adv.

Ld. Counsel for the O.P. :- Ld. P.P. I/C

Date of order:-09.03.2026

ORDER

The present bail petition has been filed on behalf of above named accused/petitioner who has been in custody since 05.12.2025 in connection with above mentioned case for the offence punishable u/s 25(1-b)a/26 of Arms Act and the same has been put up for hearing.

Heard Learned Counsel Sri Rajesh Kumar Gupta, appearing on behalf of accused/petitioner and Ld. P.P. I/C for the State.

The prosecution case, in brief is that on on 04.12.2025 informant got secret information that accused Suraj Kumar kept illegal fire arms in his house. On this, he along with police personnel reached the house of accused and apprehended him. On interrogation, he disclosed his name as Suraj Kumar and on searching his house, one country made pistol and two live cartridges were recovered. Accordingly, the seizure list has been prepared.

Learned counsel appearing on behalf of the accused/petitioner submitted that the petitioner never moved earlier before this court or before the Hon'ble High Court either for grant of anticipatory bail or for grant of regular bail. It is further submitted that the petitioner is innocent, has committed no offence, and has been falsely implicated in this case. It is further submitted that nothing has been recovered from the immediate possession of the petitioner and in the present case no independent witness has been made as the seizure witness. The petitioner has no criminal antecedents. Further charge sheet has been submitted against the petitioner. The petitioner has been in judicial custody since 05.12.2025 and he is willing to comply with any conditions imposed by the Court. Accordingly, he prays to be released on bail.

Per contra, learned P.P. I/C appearing on behalf of the State opposed the prayer for bail.

Heard learned counsel for the parties, and perused the lower court records, including case diary. As per the F.I.R., the allegation against the petitioner is that he was arrested from his house with one country made pistol and two live cartridges. Further, upon perusal of the seizure list, it appears that there is no compliance of Section 103 of the B.N.S.S and nothing has been recovered from the conscious

possession of accused/petitioner. Further, from perusal of the record, it is evident that the charge-sheet has already been submitted against the petitioner and cognizance has also been taken against him. At this stage, there is also no submission on behalf of the State that the release of the petitioner is likely to result in tampering with evidence or interfering with the course of trial. Moreover, petitioner has been in judicial custody since 05.12.2025 having no criminal antecedent.

Considering aforesaid facts, circumstances and custody period of accused, I find it appropriate to grant bail to the petitioner. Accordingly, the prayer for bail is allowed. Let the accused/petitioner be released on bail on furnishing of bail bond of Rs 10,000/- (ten thousand) with two sureties of like amount each with the satisfaction of learned court below subject to, further conditions:-

1. That one of the bailors must be close relative of the accused/petitioner.
2. That the accused/petitioner undertakes that he shall not indulge in any similar nature of offence till conclusion of the trial and on failing so, court concerned shall be liberty to cancel the bail bond in present case if reported by the prosecution.

Office is directed to send a copy of this order through e-mail to the undertrial prisoner/petitioner through the Jail Superintendent, Begusarai.

(Dictated)

Sd/-

(Rishi Kant)

Principal Sessions Judge, Begusarai

Date of Judgment/Order	09.03.2026
Date of Reserving Judgment/Order	N.A.
Uploading Date	10.03.2026
Uploaded by	Rahul Verma