

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BEGUSARAI

B.A. No. 775/2026

Ref:- Arising out of Garhpura P.S Case No. 20/2026

Dt: 18.02.2026

U/S- 25(1-B)A, 26, 35 of Arms Act.

In the matter of:-

Md. Ishamul, S/o-Manilal Dhunia, R/o:-Vill:- Korai, P.S-Gardhpura, Distt.- Begusarai

.....Petitioner

Vrs.

The State of Bihar

...Opposite Party

Present:- Rishi Kant

Principal Sessions Judge, Begusarai

Ld. Counsel for the petitioner:- Sri Kailash Ram, Adv.

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

Date of order:-03.06.2026

ORDER

The present bail petition has been filed on behalf of above named accused/petitioner who has been in custody since 18.02.2026 in connection with above mentioned case registered u/s-25(1-B)A, 26, 35 of Arms Act and the same has been put up for hearing.

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

The prosecution case, in brief is that on 17.02.2026 at about 22:05 O'clock, informant(S.I) was on patrolling then at about 22:15 O'clock he received secret information that accused Md. Ishamul along with other person armed with weapons and was sitting near his house. Then informant with other police personnels arrived on the spot and arrested the accused persons. On search one desi country made pistol and one mobile has been recovered from the possession of Md. Ishamul and one mobile has been recovered from the possession of Md. Moti. Thereafter, seizure list was prepared at the spot.

The Ld. Counsel appearing on behalf of accused/petitioner submitted that the petitioner has not filed any bail either anticipatory bail or regular bail before this court or any higher court. It is further submitted that petitioner is quite innocent and he has committed no any offence. the allegation as leveled against the petitioner is false and concocted. No section as alleged in this case is applicable as madeout in FIR. Charge framed in this case against the petitioner. It is further submitted that there is no any independent witness in this case. The petitioner has six criminal antecedents vide (i). Gardhpura P.S case no. 04/2025, (ii). Hassanpur P.S case no.22/2024, (iii). Gardhpura P.S case no. 72/2023, (iv). Gardhpura P.S case no. 87/2023, (v) Gardhpura P.S case no. 14/2026, (vi). Bahadur P.S case no.21/2016. Lastly, he has submitted that petitioner has been in judicial custody since 18.02.2026 and he is willing to abide all the conditions imposed by the court. Therefore, he may be released on bail.

Per contra, learned P.P. I/C appearing on behalf of the State vehemently opposed the prayer for bail. It has been submitted that the allegations against the petitioner are grave in nature and that a country-made pistol was recovered from his conscious possession at the time of apprehension. Learned Prosecutor further submitted that the petitioner is a habitual offender having as many as six criminal antecedents, several of which pertain to offences of a similar nature, including offences

under the Arms Act. It is, therefore, contended that considering the criminal history of the petitioner and the nature of the present accusation, he does not deserve the privilege of bail.

Heard learned counsel for the petitioner, and learned P.P. I/C for the State. Perused the F.I.R , the materials available on record, and the submissions advanced on behalf of the parties. From a perusal of F.I.R , it appears that the specific allegation against the petitioner is that he was apprehended by the police authorities and, upon search, one country-made pistol was recovered from his possession. The recovery is stated to have been made from his conscious and exclusive possession at the spot itself. It further transpires from Paragraph No. 3 of the bail petition that the petitioner has admitted having six criminal antecedents, namely (i). Gardhpura P.S case no. 04/2025, (ii). Hassanpur P.S case no.22/2024, (iii). Gardhpura P.S case no. 72/2023, (iv). Gardhpura P.S case no. 87/2023, (v) Gardhpura P.S case no. 14/2026, (vi). Bahadur P.S case no.21/2016, and mostly related to similar nature of case. The repeated involvement of the petitioner in criminal cases prima facie reflects a pattern of conduct which cannot be overlooked at this stage. The possibility of the petitioner indulging in similar activities or misusing the liberty of bail also cannot be ruled out.

Considering the totality of the facts and circumstances of the case, the nature of accusation, the recovery of one country-made pistol from the conscious possession of the petitioner, and particularly the fact that the petitioner has six criminal antecedents, some of which are of a similar nature, this Court is of the considered opinion that the petitioner has failed to make out a fit case for grant of bail. Accordingly, without expressing any opinion on the merits of the case, this Court does not find it appropriate to extend the privilege of bail to the petitioner at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

(Dictated)

Sd/-

(Rishi Kant)

Principal Sessions Judge, Begusarai

Date of Judgment/Order	03.06.2026
Date of Reserving Judgment/Order	N.A.
Uploading Date	04.06.2026
Uploaded by	Rahul Verma