

In the matter of :

Disco Rajak, aged about 36 years, S/o Late Ramcharitra Rajak, Resident of village- Bari Dhankar, P.S.- Sabour, District- Bhagalpur ---- Petitioner.

Versus

The State of Bihar ---- Respondent.

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Crl. Antecedent : 02 (as para -3 of bail application of Petitioner).
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Appearance:-

Counsel for the Petitioner :- Mr. Vikash Kumar, Ld. Advocate.

Counsel for the Respondent :- Mr. Kritya Nand Prasad, Ld. A. P. P.
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21-04-2026

1. This is an application for grant of regular bail U/S 483 BNSS 2023 (corresponding to section 439 Cr.P.C), filed on behalf of above-named accused-petitioner, who is in custody since 04-02-2026, in connection with Sabour P.S. Case No. 40/2026, punishable for the offences U/s 25(1-b)(a), 26 of Arms Act.

2. Heard learned counsel appearing on behalf of the petitioner and learned Addl. P.P for the State.

3. Learned counsel for the accused-petitioner has filed necessary certificate in para-02 of the bail petition stating therein that earlier petitioner has not filed any bail petition either before the learned Court of Sessions or before the Hon'ble High Court, Patna. Petitioner has got two criminal antecedents as mentioned in para-03 of bail petition.

4. Ld. counsel for the petitioner submitted that the petitioner is innocent and has not committed any offence. He has falsely been implicated in this case. Entire allegation against the petitioner is false and concocted. The alleged sections are not at all applicable against the petitioner. In fact, nothing incriminating has been recovered from the conscious possession of petitioner. There is no independent witness of seizure list rather seizure list witnesses are police personnel which creates doubt regarding the genuineness of whole prosecution story. The petitioner is in custody since 04-02-2026. On such grounds, petitioner may be enlarged on bail.

5. On the other hand, the Ld. A.P.P vehemently opposes the contention of the petitioner and submitted that the alleged sections are made out against the petitioner, hence, he does not deserve the privilege of bail and his prayer for bail may be refused.

6. The prosecution case as stated in the First Information Report is that on 03-02-2026 at 22:00 hours, the informant S.I. Barun Kumar of Sabour P.S. along with other personnel were proceeded from the police station for crime & raid and arrest against illegal liquor & drunkards. On 04-02-2026 at about 02:00 hours, when he was near Sabour Block Chowk then

he received secret information that Disco Rajak is kept country made pistol in his house. Thereafter, the informant informed the Senior Officer and for verification & necessary action, at about 02:30 hours he reached at the place and saw that a man standing nearby run inside the house but the said person was apprehended with the help of police force and on query the said apprehended person disclosed his name as Disco Rajak. On search being made a country made pistol, four live cartridges and one mis-fired cartridge were recovered from his trouser. On interrogation regarding arm & ammunitions, the apprehended person stated that he purchased the said arm & ammunition from one unknown person at Munger before few months ago. Accordingly, the recovered arm along with cartridges were seized as per seizure-list. The apprehended person was formally being arrested and he was remanded to judicial custody and on the basis of typed application of informant the present case has been instituted.

7. Having heard both the parties and perused the case record, which transpires that FIR has been registered U/s 25(1-b) (a), 26 of Arms Act against the petitioner. As per FIR & seizure-list it transpires that arms & ammunition were recovered and seized from the possession of accused petitioner. The allegation has been corroborated and fully supported by the informant in his restatement at para 4 of the case diary and other witnesses at para- 5, 6, 7 and 8 of the case diary respectively. At para 14 of the case diary, it transpires that the petitioner bears criminal history as three criminal cases i.e. Sabour P.S. Case No. 96/2025, Sabour P.S. Case No. 594/2023 and Sabour P.S. Case No. 61/2025 are pending against him which shows that the petitioner is a habitual offender and there is likelihood to repeat the offence. The sanction report is mentioned at para 48 of the case diary. On completion of investigation, having found true case, the I.O. has submitted charge-sheet against the accused petitioner. The offence is serious in nature.

8. Having considered the aforesaid facts and circumstances, nature & gravity of the offence, specific allegation against the petitioner, criminal history of petitioner and the role played by the petitioner, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, his prayer for bail stands rejected for the present and the bail petition is disposed of. However, the petitioner is given liberty that he may renew his prayer for bail after framing of charge.

(Dictated and corrected by me)

Sd/-

District & Additional Sessions Judge-XI

Bhagalpur.

Dated 21-04-2026