

IN THE COURT OF ADDL. SESSIONS JUDGE-II DISTRICT-KATIHAR

(Bail Petition No. 273 of 2026)

In the matter of

1. Suraj Hadi @ Nishal Kumar S/o Raijan Hadi, aged about- 23 years
R/o- Musapur, Ward No. 08, P.S.- Korha, Dist- Katihar.

-----Accused/Petitioner.

Vs

State of Bihar-----Opposite Party.

Korha P.S. case No.- 295/2025

U/s- 25(1-b)a/26 Arms Act.

Learned Advocate for Petitioner- Shri Ashok Kumar Kamti

Learned A.P.P. for the State- Shri Md. Ajaz Alam

ORDER

22-04-2026 This petition for regular bail has been on behalf of the accused namely Suraj Hadi @ Nishal Kumar who is in custody since 13.12.2025 in connection with Korha P.S. Case No. 295/2025 instituted U/s- 25(1-b)a/26 Arms Act.

Heard the learned counsel Shri Ashok Kumar Kamti appearing on behalf of the petitioner and learned A.P.P. Sri Md. Ajaz Alam appearing on behalf of the State and perused the lower court record along with case diary.

According to FIR, prosecution case in nutshell is that on 12.12.2025 at about 4:30 o'clock in day informant namely Vivek Vikram probationer PSI P.S. Korha got a confidential report that one person is roaming near Korha Nahar Pul with arms then informant and other official persons arrived there and apprehended one person. On being asked, he disclosed his name to be Suraj Hadi @ Nishal Kumar. It is further alleged that on search one country made pistol, two live cartridges and one mobile was recovered from the possession. On demand he neither produced any document relating to seized articles nor gave any satisfactory answer. Later on, seizure list was prepared and he was remanded to jail custody.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that the petitioner is quite innocent and he had committed no offence at all. The petitioner is rotting in jail custody since 13.12.2025. No any seized articles found from the possession of this petitioner, police made false seizure list and indulged the petitioner in this case. The petitioner's right arm also fractured and

steel frame also fixed to support his hand. The investigation completed and charge-sheet was also submitted by the police and not change to tampering of witnesses and accused-petitioner has got no criminal antecedent and he is in custody since 13.12.2025. Accordingly, prayer has been made to allow the bail petition.

Per contra, learned A.P.P. appearing for the state has opposed the prayer for bail.

Heard both parties at length and perused the entire case record along with case dairy. From perusal of the record it is evident that, one country made pistol, two live cartridges and one mobile recovered from possession of accused-petitioner. From perusal of the case record it is evident that there is no independent witness of seizure list. All the witnesses of seizure list are members of police force. Moreover, charge has already been framed against the petitioner and as per bail petition petitioner has got no bad antecedent and he is in custody since 13.12.2025. Furthermore, prosecution has not made clear as to what purpose will be fulfill by having the petitioner in custody throughout trial of this case.

So having considered the above facts as well as submission made by Ld. Counsel for the petitioner, the bail petition is hereby allowed and it is ordered to release the petitioner namely Suraj Hadi @ Nishal Kumar on bail on furnishing of bail bond of Rs. 10,000 with two sureties of the like amount each to the satisfaction of the court.

A.S.J.-II
Katihar

Date of order	22.04.2026
Date of Reserving order	N/A
Uploading Date	28.04.2026
Uploaded By	Harshit Raj, Steno, DASJ-II, Katihar