

In the Court of Additional Sessions Judge III, Danapur, Patna

Present: Manoj Kumar Srivastava, A.S.J.-III, Danapur

Bail Petition No. 264/2026

Arising out of IIT Amhara P.S. Case No. 22/2026

Shivam Kumar @ Shiva, aged about 18 years, S/o Indushewar Prasad @ Indushekhar Ram, R/o Vill Babhanali, P.S. IIT Amhara, Dist Patna Petitioner.

v r s.

The State of Bihar Prosecution.

On behalf of Petitioner: Sri Sunil Kumar, Ld. Advocate

On behalf of Opposite Party: Md. Kalam Ansari, Ld. A.P.P.

ORDER

17-03-2026

01. The regular bail petition has been filed by the petitioner, who is in custody since 25/01/2026 in connection with the present IIT Amhara P.S. Case No. 22/2026, dt. 24/01/2026, registered U/s 25(1-B)(a), 26 of the Arms Act, which is pending in the Court of A.C.J.M.-I, Danapur.

02. The prosecution case, as per, the written report of informant Ramsahodar, S.H.O. of IIT Amhara P.S., in brief, is as such: On 24/01/2026 night about 22:30 hrs, the informant got secret information that the accused is having illegal firearms. The police team reached in the village Babhanlai and there they came to know that the accused is sleeping in his newly constructed dalan. The police started searching the dalan and apprehended the accused Shivam Kumar @ Shiva, when he was trying to flee. Further the police team searched the dalan thoroughly and recovered a desi katta and a cartridge from dalan. Thereafter a seizure list was prepared accordingly and the accused was arrested. On the basis of written report of the informant, F.I.R. was lodged and investigation started.

03. The learned lawyer of the petitioner has submitted that the petitioner is quite innocent and has committed no offence as alleged and the allegations leveled against him is totally false and baseless. Further the petitioner has not filed any bail application either anticipatory or regular in this court or in the Hon'ble High Court and no case is pending before any court. Further the petitioner has no criminal antecedent. Further submitted that petitioner has been falsely implicated in this case. Further no incriminating articles recovered from the conscious possession of the petitioner. Further submitted that the recovered articles were seized from the house of relative of the petitioner and the petitioner has no concern with the recovered articles. Further the whole villagers and family members of petitioner were present at the place of occurrence but the police did not take signature of any of them as seizure witness. The petitioner is a student and pursuing his graduation. Lastly, it is submitted that the petitioner is in custody since 25/01/2026 without any fault and is ready to execute bail bond as per direction of the court. So, the petitioner may be enlarged on bail.

04. The learned Addl. P.P. has vehemently opposed the prayer of bail of the petitioner.

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05. Heard the Ld. Lawyers of the respective parties and perused the case record.

06. From perusal of the F.I.R., it appears that the present case has been lodged for the offence U/s 25(1-B)(a), 26, 35 of the Arms Act for recovery of a desi katta and live cartridge from dalan of the petitioner. So far case diary is concerned, para 2 of the case diary contains the seizure list. Further para 4, 11, 12, 13 and 14 contain the statements of other witnesses. All witnesses have supported the prosecution case. Further para 18 contains the confessional statement of petitioner. On perusal of entire materials on record, the court finds that the petitioner has no criminal antecedent and he is in custody since 25/01/2026 in this case. Further investigation of the case is pending.

07. Considering the aforesaid facts and the period of custody of the petitioner and that the investigation of the case is still pending, the bail petition filed on behalf of the above named petitioner is **allowed**.

08. Accordingly, it is ordered that the petitioner be released on bail on furnishing bail-bond of Rs.10,000/- with two security of like amount each to the satisfaction of Ld. Court below with conditions that the petitioner shall file undertaking with bail bond that 01. He shall not commit similar offence in future, 02. the petitioner shall fully co-operate in the investigation of the case and shall be properly representing before the court concerned. O/C is directed to send a copy of this order to the Court below and a copy of the same be uploaded in C.I.S.

(Dictated)

(Manoj Kumar Srivastava)
Addl. S. J. 3rd, Danapur
17-03-2026

Memo No...../ Dated...../...../.....
Copy forwarded to
the Court of.....

Seal of the Court

Sd/-
(Manoj Kumar Srivastava)
Addl. S. J. 3rd, Danapur