

In the Court of District & Additional Sessions Judge-I
Presiding Officer: Dushyant Kumar
Rosera , District-Samastipur
B.P. No. 653 of 2026
(Arising out of Bibhutipur P.S. Case No. 452 of 2025)
Date: 17.06.2026

Pawan Kumar

.....Accused/Petitioner.

vs.

State of Bihar.

.....Prosecution/O.P.

ORDER

1. The present petition has been filed by the accused petitioner namely Pawan Kumar seeking bail who is in custody since 13.05.2026 in connection with the Bibhutipur P.S. Case No. 452 of 2025 registered under Section 115 (2), 126 (2), of B.N.S. and Section 25 (1-b)a/26 of Arms Act.
2. Briefly stated, the case of the prosecution based upon the written application of the informant, namely, Ram Bali Singh, is that on 10.11.2025, at about 9.30 A.M. his son namely, Pawan Kumar, was demanding money from him. The money spent on his grandmother's Sharadh ceremony came to a total of Rs. 19,900/-. The informant requested a two month deadline for returning the money but petitioner insisted that he wanted his money immediately. Pawan Kumar became furious and began scuffling and assaulting him, injuring his hand. Suddenly, he emerged from his house with a country made pistol, pointed it at him and threatened to kill him. Thereafter he said he hid the country made pistol in the bathroom and left the house, claiming he had taken one Lakh rupees instead of 19,000/- rupees. The informant called the police and presented the pistol to them, he feared that my son Pawan Will be killed him at any time.
3. Ld. Counsel for the accused-petitioner, submits that the petitioner is quite innocent and has committed no offence. He further submits that no regular or anticipatory bail petition has been filed or pending before this Court. The petitioner has four criminal antecedents. Petitioner is in judicial custody since 13.05.2026. He further submits that the petitioner has been falsely implicated in this case and entire allegation against the petitioner are false, baseless and concocted. Petitioner is son of informant. It is further submitted that from perusal of F.I.R., it is apparent that petitioner was demanding his own amount. The informant wants to grab the due amount of the petitioner. It is further submitted that, the informant managed the police and in absence of the petitioner, the informant called the police and produced the country made pistol and the police prepared the seizure list and implicated the petitioner in this false case. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the so-called Arms has been produced by the private person, therefore, the police was duty bound to comply with the provision of Section 37 (b) of the Arms Act. No case U/s 25 (1-b)a, 26 of Arms Act is made out against the petitioner. He further submits that the case has been compromised and the compromise petition is in record. He further submits that there is no chance of absconding and tempering with the evidence. Learned Counsel for the petitioner lastly prayed that he may be released on bail.

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4. On the other hand Ld. APP. on behalf of state opposed the prayer for bail.
5. Perused the records. The present case has been instituted against the petitioner under Sections 115(2) and 126(2) of the B.N.S. and Sections 25(1-B)(a) and 26 of the Arms Act on the allegation that he threatened the informant, who happens to be his own father, with a country-made pistol while demanding money. The alleged country-made pistol was not recovered from the possession of the petitioner; rather, as is evident from the FIR itself, it was produced before the police by the informant. Further, although allegations of assault have been made, no injury report has been brought on record. The case diary indicates that the informant merely stated that he had obtained treatment at a Community Health Centre, but no medical document substantiating any injury has been collected during investigation. The petitioner has remained in judicial custody since 13.05.2026. The investigation, so far as the petitioner is concerned, does not reveal any circumstance necessitating his continued incarceration. Although the petitioner has criminal antecedents, the same pertain only to cases under the Excise Act and are not of such nature as to disentitle him from the privilege of bail in the facts of the present case.
6. Considering the totality of the facts and circumstances including the background of the dispute leading to the alleged occurrence allegations, and taking into account the period of custody already undergone by the petitioner, and the fact that the trial is likely to consume considerable time, this Court is of the opinion that further detention of the petitioner would serve no useful purpose. Thus, it is a fit case for grant of bail.
7. Accordingly, the petitioner, namely, Pawan Kumar, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount in connection each to the satisfaction of the Court of the Ld. Magistrate Bibhutipur P.S. Case No. 452 of 2025 subject to furnishing undertaking of the compliance the conditions mentioned in Section 482(2) of BNSS.
8. Let the LCR be sent back to the Court of the Ld. Magistrate concerned.

Dictated

Sd/-

District & Additional Sessions Judge -1
Rosera, Samastipur