

**In the Court of Shri Tej Pratap Singh,
Distt. & Addl. Sessions Judge-VIII, Supaul.
BA-278/2026
Rajeshwari P.S-154/25**

18.05.2026	Gajendra Sah S/o- Halghar Sah, R/o Vill- Kishunganj, Ward No.- 3, P.S- Rajeshwari, District-Supaul.....Applicant V/s The State of Bihar.....Prosecution Date of Order: 18.05.2026 Present: Md. Razi Ahmad, Ld. Additional Public Prosecutor for the State. Sri. Sanjay Kumar Chaudhary II, Ld. Advocate for the Applicant accused. A bail petition filed on behalf of accused petitioner Gajendra Sah, who is in custody since 20.12.2025 in connection with Rajeshwari P.S- 154/2025, Registered U/s- 317(2), 317(5) of BNS and 25(1-b)a, 26 and 35 of Arms Act., has been pressed today for hearing. Which is pending before the Court of Sri Shwetabh Shandilya, JM^{1st}, Supaul. Heard the Ld. Counsel for the applicant accused as well as Ld. Public prosecutor for the State. The applicant accused submitted that no other regular bail petition has been filed by the petitioner before the Court of Sessions or before Hon'ble High Court, Patna. That the applicant/accused is innocent in the present case and has committed no mistake. That there is no prior criminal history of any kind registered against the applicant/accused in Rajeshwari Police Station under Case No. 153/2025, Sections 103(1), 303(2), 3(5) of the BNS, or any other case. That the applicant/accused has been falsely implicated in the present case due to village politics and mutual enmity. That all allegations leveled against the applicant/accused are false, fabricated, and concocted. That no charge is made out against the applicant/accused under any section. That from the observation of the FIR, it will be clear to you that in the present case, on the pointing out of the applicant/accused and other co-accused by the SHO cum informant, an iron country made pistol and bullets were recovered from the field behind the house of Santosh Das's house, purportedly based on the pointing out by the applicant and other witnesses. Notably, no firearm was recovered from the person of the applicant himself. Upon reviewing the FIR, it will also be clear to your honor that the petitioner/accused was reportedly arrested from the house of Kanhaiya Sah in Mahishi village, Saharsa district. However, in the present case, the seized firearm is stated to have been recovered from Kamat Kishun-ganj Katahi in Supaul district. This clearly indicates that all	Cont.
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<u>18.05.2026</u>	the allegations made in the FIR are fabricated, false, and baseless. Upon reviewing the seizure list, it will also be clear to your honor that no firearm of any kind was reported to be recovered from the petitioner/accused. The petitioner/accused is a poor person of the laborer class. The petitioner/accused has been imprisoned in Supaul Jail since 20.12.2024, without having committed any fault. The petitioner/accused is the sole provider for his family. The petitioner/accused is ready to provide sureties as per your honor's order. On the other hand, the Ld. Prosecutor for the State strongly opposed the prayer of the bail of the applicants accused. During the course of hearing, the updated case diary along with criminal antecedents of the applicant accused persons were called. Heard and perused the record. On perusal of the record, it is transpired that this case of the Rajeshwari P.S- 154/2025 U/s- 317(2), 317(5) of BNS and 25(1-B)a/26/35 of the Arms Act was registered on the basis of the self-Statement of the informant SI Yugal Kishor, wherein he stated that on 19.12.2025 at 10:30 am, on the basis of missing information in the case investigation, BHG/341585 Devnandan Kumar of armed force was requested for cooperation in the recovery of the second accused. Thereafter, along with Mahishi SHO, reached Mahishi police station in a police vehicle along with BHG/341877 Kumar Anand of Karbaba village. Thereafter, from Mahishi SHO, he reached the house of the said Kanhaiya Sah. After duly cordoning off his house from all sides with the help of armed forces, a search was conducted to arrest Gajendra Saha who was hiding in Kanhaiya Saha's house. When a person was seen coming out of the house and trying to escape in fear, on the basis of suspicion, with the help of armed forces, the said person was identified as 25 years old Haldhar Saha. The arrested person was caught on 20.12.2025 at 01:10 PM. Then his name and address were asked, he gave his name as Gajendra Sahaar, he left under police custody and reached Koriapatti. When the accused was strictly questioned about his involvement in the incident, he stated that on Thursday, December 19, 2025, at 10:00 pm, my friend Suryanarayan and he went to the home of our friend Santosh Das in village Kathi Kamat, Kishanganj, Ward No. 16. We all had dinner there. The three of us then returned home around 3:00 am on December 19, 2025. To enter the house where my brother was sleeping, we first dug a tunnel from the veranda and, to avoid delays, we touched the door and opened it. My friend and he entered the house and saw that my brother, Arvind Kumar, was sleeping with his face uncovered. Then, he took out a pistol from my waistband and shot him near	Cont.
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<u>18.05.2026</u>	the head. My friend, Arvind Kumar, took the mobile phone that was on the table. Then, he fled with my friends through the back of the house. After that, we all ran to Santosh Das's house. Together, we wrapped a pistol, a live bullet, a shell, and a mobile phone in a black plastic bag. Then, together with Santosh, we took the pistol and the desi pistol to the middle of the field behind Das's house and hid them. After that, he left for our homes with my friend Suryanarayan Sardar. He was afraid of being caught staying at my in-laws' place, so he quietly went to the house of my wife's maternal uncle, Kanhaiya Shah stayed there without telling anyone. When asked about his friend Suryanarayan Sardar, he said that he too had stayed at the house of his daughter, Galiya Devi in Pandeypatti village under the Jadia police station. Thereafter, along with armed force and night patrol team of Jadia police station, reached the house of Suryanarayan Sadar's daughter in Pandeypatti village and with the help of armed force, surrounded his house and entered his daughter's house to search it, then saw that a person started running after seeing the police, who was chased and caught with the help of armed force and after taking him in police custody, when asked his name and address, he told his name as Suryanarayan Sardar. After that, taking the above two arrested persons, as told by Gajendra Sah, proceeded to the place where all these friends had hidden the arms used in the incident. At about 02:30 pm, they reached the house of Santosh Das with the help of armed forces, surrounded his house and searched the house of Santosh Das. They found Santosh Das present in the house. When they took him into police custody and asked his name and address, he told his name as Santosh Das. As it was late in the night, no independent witness was found, so making two independent witnesses, LBHG/341585 Devnandan Kumar and 2. BHG/341877 Kumar Anand of the armed forces who had come with him, he and the people who had come with him, thoroughly searched the place where the weapon used in the crime was hidden. While conducting a proper thorough search of the police party, Gajendra Kumar and his friends Suryanarayan Sardar and Santosh Das saw that in a white colour plastic bag, in black colour plastic, an iron country made pistol, whose barrel length is 4 (four) fingers, butt length is 4 (four) fingers, total length is one bita, one live bullet on the bottom of which 8MMKF is marked, one empty cartridge on the bottom of which 8MMKF is marked, a black coloured screen touch mobile of Oppo Company was recovered. All the above recovered articles were duly seized by preparing a seizure list on which both the independent witnesses voluntarily signed. After that, as per the seizure list and seizure list, the	Cont.
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<u>18.05.2026</u>	seized articles and the arrested accused Gajendra Shah, Santosh Das and Suryanarayan Sardar were taken along and left for the police station in a police vehicle with armed force. Further action will be taken on reaching the police station. Heard the arguments of both the parties. Perused the record and the case diary. In Para 05 of the case diary contains the further statement of informant S.I. Yugal Kishor, in which he has fully supported the incident described in the FIR. In Para 06 of the case diary contains the statement of seizure list witness. In Para No. 07 respectively of the case diary. It appears that the informant as well as witnesses H/G Kumar Anand, supported the allegations and facts as mentioned in FIR. In Para 44 of the case diary, the accused person had no criminal antecedents. On perusal of the case record, the police claim to have recovered a white plastic bag from a field behind Santosh's house containing one country-made pistol, one live bullet, one empty cartridge, and an Oppo mobile phone. The recovery of the alleged weapon was not from the exclusive possession of the accused petitioner. Furthermore, the seizure was witnessed only by police personnel (official witnesses) and no independent public witnesses were joined despite the search taking place near a residential area or open field of accused. Where access of the all persons. The accused/petitioner is in custody dated 20.12.2025. Considering the facts and circumstances of this case, the applicant accused Gajendra Sah is ordered to be enlarged on bail on furnishing the bail bonds of Rs. 10,000/- along with two sureties of the like amount each subject to condition u/s- 480(3) B.N.S.S and one of the surety shall be close relative applicant accused herein and the applicant accused is directed to join the investigation as and when required by the investigating officer. Let the copy of this order along with trial court record be sent to the court concerned and thereafter this record be consigned to the record room as per rule. Dictated and Corrected Sd/- (Tej Pratap Singh) Distt. & Addl. Sessions Judge-VIII, Supaul	
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