

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3584 of 2025

Arising Out of PS. Case No.-849 Year-2024 Thana- ARA NAWADA District- Bhojpur

Raunak Raj S/o Late Rajesh Kumar Singh R/o Village- Phakuli, P.S.- Saran
Muffasil, District- Saran presently Constable at Ara Nawada police station,
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 25-02-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Ara Nawada Police Station Case No. 849 of
2024, disclosing offences under Sections 316(4), 305 and
317(2) of B.N.S., 2023.
3. As per the F.I.R. lodged by Police Sub-
Inspector-cum-In-charge of arms depot on 20.10.2024, arms
and ammunition arrived from the head office in order to
keep them in the kot. For placing the arms and ammunition
in the kot the constables were given fatigue duty on the
same day around 11:00 A.M. and they left the place at



around 02.00 P.M. On 07.11.2024, the Mahila police station In-charge informed the informant on mobile that whether 09 M.M pistol bearing butt no. 520 BJP was issued by the informant to anybody or not inasmuch as the pistol in question was handed over to her by the petitioner and the same was belonging to the informant's kot. The allegation is that the said pistol was stolen by TC-1512 Raunak Raj, i.e., petitioner from the kot on 20.11.2024.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in the case which would be apparent from the F.I.R. itself inasmuch as on 20.10.2024, the duty was assigned to the petitioner along with other persons for keeping the arms and ammunition in the kot. The duty of the petitioner came to end on same day on 20.10.2024 at about 2:00 P.M. Between 20.10.2024 till 07.11.2024, i.e. for the last seventeen days no complaint whatsoever was made by the informant regarding missing of the 9 M.M. pistol. It was on 07.11.2024, the In-charge of the Mahila police station informed that the pistol has been handed over to her by the petitioner which belonged to the kot of the informant. The manner and circumstances under



which the pistol went in the hand of the informant of the Mahila police station has not been disclosed. From perusal of the seizure list it would be evident that informant himself has produced the pistol and has prepared the seizure list. *Prima facie* there is no evidence to show that pistol in question was seized from the possession of the petitioner.

5. On the other hand, learned counsel for the State argued that the petitioner along with others were assigned the fatigue duty for shipping the arms and ammunition in the kot and the petitioner taking advantage of the situation stole one 9 M.M pistol.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that pistol was not directly recovered from the possession of the petitioner and the same was in possession of the In-charge, Mahila police station who informed the informant regarding the pistol having been given to her by the petitioner that too after a lapse of seventeen day from the date of fatigue duty of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.



7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, in connection with Ara Nawada Police Station Case No. 849 of 2024, subject to the condition laid down under Section 482 (2) of the B.N.S.S., 2023.

(Anil Kumar Sinha, J)

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