

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29810 of 2025

Arising Out of PS. Case No.-351 Year-2024 Thana- KARAHGAR District- Rohtas

Pawan Rai @ Pawan Kumar Rai Son of Late Ram Chandra Rai R/o Village-
Babhan Barehatta, P.S-Kargahar, District-Rohtas, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending arrest in connection with Kargahar P.S. Case No. 351 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 3(5) of the B.N.S., 2023 and 25(1-b)a, 26, 35 of the Arms Act.

3. As per prosecution case, informant received information that two groups armed with weapons are abusing and fighting with each other and threatening to fire bullets at village Baban Barheta. Thereafter, informant alongwith police personnel reached at the place of occurrence and after seeing the police, two persons from each group started running in complete opposite direction by throwing some articles from their pockets. On chase, co-accused Dhananjay Kumar and Manoj Kumar



were apprehended on the spot and two *desi katta* alongwith 12 live cartridges were recovered form the place of occurrence. Further, one co-accused Chandan Kumar was also apprehended and one loaded desi katta was recovered from the place of occurrence and after unloading the same one live cartridge was also recovered. Apprehended co-accused Chandan Kumar disclosed the name of the present petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that except disclosure of co-accused Chandan Kumar, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from his conscious possession. Petitioner was not found at the place of occurrence. Petitioner bears criminal antecedent of two cases in which he is on bail. He further submits that just because of having criminal antecedents petitioner has falsely been implicated in the present case. He further submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the



prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Rohtas at Sasaram in connection with Kargahar P.S. Case No. 351 of 2024, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. However, at the time of furnishing bail bond, the petitioner shall undertake that he does not have criminal antecedent of more than two cases, as mentioned in para-3 of



the bail petition and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial court shall take step for cancellation of bail bond of the petitioner.

(Alok Kumar Pandey, J)

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