

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26766 of 2025

Arising Out of PS. Case No.-140 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Shivnath Raut @ Shivnath Kumar Son of Ram Jatan Raut village- Bejha Din,
Ward No 7. Rampur. Keshopatti. Samastipur, PS- Mufassil, Dist- Samastipur
Bihar 848101.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Keshav Bhardwaj, Advocate
	:	Mr. Yash Sahay, Advocate
	:	Mr. Nikhil Kumar Agrawal, Advocate
For the State	:	Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2025 Heard Mr. Keshav Bhardwaj, learned counsel for the
petitioner and Mr. Md. Aslam Ansari, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Munsigharari P.S. Case No. 140 of 2024, F.I.R. dated
26.09.2024 for the offences punishable under Sections 310(4),
310(5), 61(2) of the Bhartiya Nyay Sanhita, 2023 and 25(1B)(a),
26 and 35 of the Arms Act.

3. As per the First Information Report, the informant
alleged that on the basis of secret information, that some 7-8
persons, traveling in a car and a motorcycle have gathered together
at NH-322 and are planning to commit some crime, reached the
place of occurrence and found the petitioner along with other



accused persons were present there and had covered their face by scarfs. On seeing police party, three persons fled away and others were apprehended by the police.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of disclosure made by apprehended persons. It appears from the seizure list that incriminating articles has been recovered from the possession of apprehended persons, so no case is made out under Arms Act against the petitioner and except the disclosure made by apprehended persons, no other cogent material is there which suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and name of the petitioner transpired on the basis of disclosure made by apprehended persons, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned



District and Additional Sessions Judge-III, Samastipur in connection with Munsigharari P.S. Case No. 140 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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