

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25256 of 2025

Arising Out of PS. Case No.-1279 Year-2024 Thana- MAHUA District- Vaishali

Kundan Kumar Son of Gariban Mahto Resident of Vill- Gadopur, P.S.-
Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Ms. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-05-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 111 and
317(3) of the Bharatiya Nyaya Sanhita, 2023 as well as Sections
25(1-B)a, 26 and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that he received secret information that Vikash Kumar
with his group are planning to commit an occurrence sitting in a
hut, accordingly, the place was raided and Rajeev Paswan, Niraj
Kumar, Dhiraj Kumar and Vikash Kumar were arrested and
from their possession cartridges and loaded pistol were
recovered as detailed in the FIR and the apprehended accused
disclosed the name of the petitioner and other accused who fled



from the place of occurrence when the police arrived.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant based on confessional statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law. It is further submitted that petitioner was not present at the place of occurrence and is a person with clean antecedent. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Mahua P.S. Case No. 1279 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. One of the bailors of the petitioner shall be his



father, namely, Gariban Mahto.

8. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned police station through the learned trial court.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

