

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26242 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- BACHHWARA District- Begusarai

Abhishek Kumar Son of Ashok Singh Resident of Village - Nipaniya, P.S.-
Phulwariya, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Adv
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 20-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail in a case registered for the offences punishable under Sections 310(4), 310(5), 338, 336(3), 340(2), 317(2), 317(3), 317(5) of the BNSS and section 25 (1-B) (a), 26 and 35 of the Arms Act.

3. The allegation in the FIR is that two persons namely, Murari Jha and Dhiraj Kumar were arrested and firearms was recovered from their possession. During interrogation, it was revealed that the present petitioner and one Subhash Jha was planning to commit dacoity whereupon raid was conducted at the house of the petitioner and upon seeing the police party, one



accused person Subhash Jha fled away and the present petitioner was arrested. Further, the police moved to Barbigha Mishan Chowk where two other persons namely Sudhanshu Kumar @ Lala and Akshay Kumar@ Shaka were arrested and one loaded country made pistol and one live cartridge was also recovered from them. Thereafter, the police with their assistance reached the lodge from where, eight other persons were arrested and from the said lodge, firearms were recovered and they admitted that there were planning to commit dacoity.

4. Learned counsel for the petitioner submits that so far as the petitioner is concerned, the only material against him is that the accused Murari Jha and Dhiraj Kumar had disclosed his name to the police whereafter, the police reached his house but a bare reading of the FIR itself, would show that there is no recovery from possession of the present petitioner. Some other persons, who were arrested subsequently from the lodge have been granted privilege of bail vide order dated 26.05.2025 passed in Cr. Misc. No.32998 of 2025. The petitioner is in custody since 11.02.2025 and charge sheet has been submitted. It is also noticed here that the bail application of co-accused Akshay Kumar @ Shaka has been dismissed but the learned counsel for the petitioner submits that there is distinguishing



feature that there was a recovery from the said accused persons, whereas there is no recovery from the present petitioner.

5. The learned APP for the State opposes the grant of bail of the petitioner and submits that the petitioner is accused in three more cases. However it is submitted that the petitioner is on bail in all the three cases.

6. Taking into consideration the fact that some of the accused persons have been granted bail and also considering that there is no recovery from conscious possession or from the house of the petitioner, let, the above named petitioner, be released on bail on furnishing bail bonds of Rs 10,000/- (ten 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 Bachhwara P.S. Case No. 41 of 2025, subject to the conditions:-

(i) One of the bailors would be close family member/ relative.

(ii) The trial court shall verify the criminal antecedent of the petitioner before releasing him on bail which shall be done expeditiously without causing any delay.

(iii) The petitioner shall co-operate in investigation/ trial and would physically appear on each and every date till the



framing of charge and in case, it is found that the trial is delayed due to him, the concerned court would be at liberty to cancel the bail bond of the petitioner.

(Soni Shrivastava, J)

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