

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25391 of 2025**

Arising Out of PS. Case No.-120 Year-2024 Thana- Kalibagh District- West Champaran

Abhishek Kumar S/O Rampreet Sharma Resident of Vill- Heerapakad, P.S.-  
Manuapool, Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate  
For the State : Mr. Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      19-06-2025      Learned counsel for the petitioner is directed to make necessary correction(s) in paragraph no.6 of the bail application in course of day.

2. Heard Mr. Sanjeev Kumar, learned counsel for the petitioner as well as Mr. Surendra Prasad Singh, learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Kalibagh P.S. Case No. 120 of 2024, F.I.R. dated 30.08.2024 for the offences punishable under Sections 109/ 352/ 351 (3)/ 3(5) of the BNS and 27 of the Arms Act.

4. According to prosecution case, two unknown accused persons came in front of the window of the informant's house and started firing indiscriminately. They also threatened the informant and her family members.



5. Learned counsel for the petitioner submits that petitioner is innocent. He further submits that the petitioner is not named in the FIR. His name transpired during investigation on the basis of confessional statement of the co-accused, namely, Naushad Ansari which is recorded in paragraph 64 of the case diary in which he has stated that Arms have been purchased by the co-accused persons through the petitioner. He further submits that the allegation as alleged in the F.I.R. is false and fabricated, the intention of the co-accused is not correct and he has falsely implicated the petitioner in this case. It is further submitted that except the confessional statement, no other material has come during investigation which suggest the involvement of the petitioner in the present occurrence.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

7. Considering the aforesaid facts and circumstances that petitioner is not named in the FIR, his name transpired on the basis of confessional statement of the co-



accused, namely, Naushad Ansari and except the confessional statement, no other material has come during investigation which suggest the involvement of the petitioner in the present occurrence, 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 C.J.M., Bettiah, West Champaran in connection with Kalibagh P.S. Case No. 120 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 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 bonds 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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