

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39593 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- MAKER District- Saran

Shivam Kumar @ Bhola Son of Birendra Singh Resident of village -
Kakarhat, P.S.- Dernibazar, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Atul Kumar, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-06-2025 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehend his arrest in connection with Maker P.S. Case No.35 of 2025 lodged on 21.02.2025, for the offences punishable under Sections 310(4) and 310(5) of the BNS Act, 2023 read with Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution, FIR has been lodged against seven named accused persons including the petitioner. It has been alleged that upon information to the police that 6-7 persons are planning for dacoity in the Bank and CSP. The Police team



reached on the spot, but upon seeing the police, accused persons fled away, but 4 accused persons have been apprehended and confessed the name of other accused persons. The recovery of pistols and live cartridges have also been made from their possession.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that petitioner's name has figured in this case by virtue of confessional statement of co-accused persons. He further submits that the petitioner has been falsely implicated in the present case merely on suspicion.

5. Counsel submits that the criminal antecedent of the petitioner is not clean. There are two criminal cases pending against him in which he is on bail. He further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

6. Learned APP for the State opposes the prayer for bail and submits that under the BNS Act, 2023, the definition has come under Section 310(4) (5) which states as follows:-

(4) Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.



(5) Whoever is one of five or more persons assembled for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

7. Counsel further submits that this action has been acknowledged in the BNS, 2023. He further submits that antecedent of the petitioner is not clean.

8. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner, therefore the bail application of the petitioner is hereby rejected.

9. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within 4 weeks from today and prays for regular bail, then trial court shall pass order on merit seeing the ingredients of the offences, without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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