

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37217 of 2025

Arising Out of PS. Case No.-631 Year-2024 Thana- GAYA KOTWALI District- Gaya

Md. Samir @ Samir Khan S/O Md. Sabir Khan R/o Village/Muhalla - Abgila,
Jagdishpur, P.S - Muffasil, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh, Adv.

For the Opposite Party/s : Mr.Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 631 of 2024 registered for the offences punishable under Sections 310(4), 310(5), 111(2)(b) of the B.N.S., 2023 and Sections 25(1-B)(a), 26, 35 of the Arms Act.

3. As per prosecution case, the police has recovered two country-made pistols from the possession of the co-accused person.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



The petitioner was neither apprehended on spot nor anything incriminating has been recovered from his conscious possession. The name of the petitioner has transpired in this case on the basis of the disclosures made by the apprehended co-accused. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized arms and ammunition. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Md. Saheed has been granted regular bail by this Court vide order dated 13.05.2025 passed in Cr. Misc. No. 28930 of 2025.

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

7. Considering the entire facts and circumstances of the case and taking into account 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.10,000/- (Rupees 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 connection with Kotwali P.S. Case No. 631 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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