

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42442 of 2025**

Arising Out of PS. Case No.-406 Year-2024 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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Gaurav Kumar @ Golu Kr. Ishwar @ Golu S/O Sanjeet Kumar Ishwar R/O  
Vill-Maranchi, Ward No-04, Ps-Bachhawara, Dist-South Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                            |
|--------------------------|---|----------------------------|
| For the Petitioner/s     | : | Mr. Bhola Prasad, Advocate |
|                          |   | Mr. Ujjwal Kumar, Advocate |
| For the Opposite Party/s | : | Mr. Jagdhar Prasad, APP    |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      09-07-2025                      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 ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Samastipur Muffasil P.S. Case No. 406 of 2024, lodged on 02.10.2024, under Sections 25(1-b)A/26/35 of the Arms Act.

3. It transpires that recovery of pistol and cartridges have been made from accused Rohit Kumar Jha and petitioner was not apprehended from the place of occurrence.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that from the content of FIR, it becomes crystal clear that nothing has been recovered from the petitioner's possession; rather it has been recovered from the possession of co-accused Rohit Kumar. Learned Counsel for the petitioner further submits that after insertion of petitioner's name in the present case, the police has inserted the name of petitioner in another case, namely, Samastipur Muffasil P.S. Case No.388 of 2024. As such, Counsel submits that at the time of filing the present case there is one criminal antecedent, but at the time of arguing the case there are two criminal antecedents, which he has stated in para-3.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that the ingredients of Arms Act is not there due to the reason that recovery has not been made from the possession of the petitioner.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the



satisfaction of A.C.J.M.-II, Samastipur, in connection with Samastipur Muffasil P.S. Case No. 406 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. With condition that the petitioner shall appear periodically once in a month before the concerned Police Station. Petitioner shall place the document before the Trial Court that he is not absconding in the following cases pending against him:

- I. Bachhawara P.S. Case No.2 of 2024.
- II. Samastipur Muffasil P.S. Case No.388 of 2024.

(Dr. Anshuman, J)

Mkr./-

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