

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47289 of 2025

Arising Out of PS. Case No.-104 Year-2025 Thana- MAHNAR District- Vaishali

Hemant Singh @ Hemant Kumar @ Hitler Son of Rambabu Singh Resident
of Village and P.O.- Hasanpur, P.s.- Mahnar, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-07-2025 Heard Learned Counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable in connection with Mahnar P.S. Case No.104 of 2025 under Sections 115(2), 126(2), 303(2), 329(4), 351(3), 109 and 3(5) of the BNS, 2023 read with section 27 of the Arms Act, which is pending before C.J.M., Vaishali at Hajipur.

3. As per the prosecution, the FIR has been lodged against seven named accused persons including the petitioner with allegation that they have assaulted the family of the informant and made firing keeping pistol in their hand.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that Arms Act has not been added in this case. He further



submits that the petitioner is in service of Indian Army and he has been falsely implicated in the present case.

5. Learned Counsel also submits that antecedent of the petitioner is clean.

6. Learned APP for the State opposes the prayer for bail and submits that Arms Act has already been added in the impugned order itself and action of terror has been created by the petitioner as mentioned in the FIR.

7. In the present facts and circumstances, this Court finds that the action of terror is now a separate offence under BNS, 2023 and hence, this Court is not inclined to grant anticipatory bail to the petitioner, therefore the bail application of the petitioner is hereby rejected.

8. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within 6 weeks from today and prays for regular bail, then trial court shall pass order without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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