

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40877 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- Hemjapur District- Munger

Shivam Kumar Son of Devendra Prasad Resident of Village- Garbhu Chak
Bari Ashikpur, P.S.- East Colony Jamalpur, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anil Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 03-09-2025 Heard Mr. Manoj Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Hemajpur P.S. Case No. 23 of 2025 for the offence under sections 25(1-b)a/26(i) of the Arms Act lodged on 02.04.2025 by the informant.

3. As per the prosecution case the informant on 01.04.2025 after getting secret information seized a Scooty wherein a country made loaded pistol, an empty magazine and a cartridge have been recovered. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to ulterior motive and he has not committed any offence as alleged. It has next been submitted that *vide* order of this Court dated 09.07.2025, a report regarding the said Scooty was called for from the District



Transport Officer, Munger which is now placed on record *vide* letter no. 1023 dated 18.07.2025. From perusal of the said report, it is apparent that the said Scooty having registration no. BRO8N4622 belongs to one Shankar Prasad who is neither the accused nor connected with the instant case in any manner. Learned counsel next submits that at the time of incident, the petitioner was at home and his name has surfaced in this case on the confessional statement made by one co-accused, namely, Vikash Kumar. No recovery of any incriminating material has been made from the conscious possession of the petitioner. Lastly, it has been submitted that the petitioner has got no criminal antecedent

5. On the other hand, learned APP vehemently opposes the prayer for anticipatory bail of the petitioner submitting that on the confessional statement of one co-accused, his name has surfaced, however, concedes that petitioner has got no criminal antecedent.

6. Considering the aforesaid submissions of the parties and the fact that the scooty as per the aforesaid report of the District Transport Officer, Munger does not belong to the petitioner rather it belongs to one Shankar Prasad, his name has surfaced in this case on the basis of confessional statement of a co-accused and he has got no criminal antecedent, this Court is



inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail, in the event of arrest or surrender within a period of four weeks, from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M, Munger in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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