

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42049 of 2025

Arising Out of PS. Case No.-316 Year-2023 Thana- ADAPUR District- East Champaran

Gajendra Prasad Kushwaha @ Gajendra Kumar Kushwaha S/o Suresh Prasad Kushwaha R/o Villag Sripur/ Shripur, P.S.- Chhauradano, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore Alias Kundan Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-07-2025 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases and the informant alleges that on information provided by the chowkidar, one slipper along with a country made pistol was recovered from an Idgah and accordingly, the FIR was instituted against unknown.

4. The learned counsel submits that the FIR was against unknown and the name of the petitioner transpired in the confessional statement of Gajendra in police custody, which



does not have any evidentiary value. It is also submitted that since petitioner has antecedent as such he came to be implicated in a mechanical manner based on confessional statement. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

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

6. Considering the submissions made by the learned counsel for the petitioner, 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.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Adapur (Nakardehi) P.S. Case No.316/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his father, namely, Suresh Prasad Kushwaha.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner



despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

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