

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46823 of 2025

Arising Out of PS. Case No.-46 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Shailendra Kumar Singh @ Mama S/o Ramhit Prasad R/o Village- Shampur,
P.S.- Uchakagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-11-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kuchaikote P.S. Case No. 46 of 2022 registered for the offences punishable under Sections 414 IPC and Sections 25(1-b)a, 26 Arms act.

3. As per prosecution case, during the course of vehicle checking, co-accused Akshay Yadav and Raghav Gupta were apprehended on the spot. It is alleged that one country made pistol, four cartridges and one mobile phone was recovered from the possession of the co-accused Akshay Yadav. It is alleged that one keypad mobile phone was recovered from the possession of co-accused Raghav Gupta. It



is alleged that co-accused Raghav Gupta disclosed the name of petitioner who has given Hero Splendor Plus motorcycle (without number plate) which was used in commission of murder of Rajesh Pandey Wakil by Akshay and others.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. He further submits that from the perusal of FIR, it appears that name of the petitioner has been surfaced in this case upon the disclosure of co-accused Raghav Gupta. Except disclosure of the said co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioner has no concern with the alleged motorcycle in question. He further submits that no incriminating article has been recovered conscious possession of the petitioner. In the light of the facts and circumstances of the case, no case is made out against the petitioner. Seizure list has not been made as per law. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is on bail. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.



5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that name of the petitioner has been surfaced in this case upon the disclosure of co-accused Raghav Yadav. Hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, petitioner is not named in FIR, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., I, Gopalganj in connection with Kuchaikote P.S. Case No. 46 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that 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 bond of the petitioner.

(Alok Kumar Pandey, J)

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