

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49115 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Santosh Kumar S/o- Mukesh Kumar @ Mukesh Kumar Mahto Village-
Alampur Ps-Bibhutipur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 109, 3(5) of the B.N.S. and Section 25(1-B)a, 26, 27, 35 of the Arms Act.

3. The allegation in the FIR is that the informant was intercepted by five persons and subsequently, it has been alleged that eight persons indulged in hurling abuses and assault and thereafter, when the villagers assembled, co-accused Akhilesh Kumar and Raju Kumar opened fire upon the informant. The pistol was, however, snatched away by the villagers.

4. Learned counsel for the petitioner submits that there is general and omnibus allegation against eight accused persons



and the petitioner is amongst them. It is also submitted that there is a land dispute between the parties and a title suit bearing Title Suit No. 76 of 2009 is also pending between them. It is further submitted that there is specific allegation of opening fire on Akhilesh Kumar and Raju Kumar and not against this petitioner. However, no one has been injured in the entire incident and so far as the recovery of the country made pistol and bullet cover is concerned, the same has been made from co-accused Akhilesh Kumar and Raju Kumar. It is also pointed out by learned counsel for the petitioner that similarly situated co-accused have been granted the privilege of anticipatory bail by this Court vide order dated 11.07.2025 passed in Cr. Misc. No. 26820 of 2025.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Considering the entire facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioner who has no criminal antecedent. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



lower Court where the case is pending/successor Court in connection with Bibhutipur P.S. Case No. 45 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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