

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52318 of 2025

Arising Out of PS. Case No.-165 Year-2025 Thana- AMNAUR District- Saran

Vishal Kumar Singh @ Vishal Kumar @ Kalu S/o- Amar Kumar Singh
Village- Marhowrah Khurd Ps- Marhowrah Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bindhyachal Singh, Sr. Advocate Mr. Rajesh Roy, Advocate Ms. Nikita Mittal, Advocate
For the Opposite Party/s :	Mr. Kumar Awnish Ankit, Advocate Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Amnour P.S. Case No. 165 of 2025 dated 29.05.2025 instituted for the offence punishable under Sections 313, 317(2), 317(4), 317(5), 338, 336(3), 340(2), 61(2) of the Bhartiya Nyaya Sanhita, 2023 and Section 25(1-B)(a), 26, 35 of the Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence, the informant received secret informant that four criminals armed with illegal country-made firearms, live cartridges and knives, have assembled at Brahmasthan and planning to commit crime such as robbery. Thereafter the informant along with his officials reached there and apprehended



two persons, namely Ashutosh Kumar Tiwari and Pintu Kumar while two persons namely, Bittu Kumar and Abhishek Kumar managed to escape. It is alleged that one loaded country-made pistol and one live cartridge were recovered from the possession of Ashutosh Kumar while one live cartridge was recovered from the possession of Pintu Kumar. It is further alleged that the apprehended accused person, namely, Abhishek Kumar Tiwary disclosed that a Swaraj Tractor was looted on 16.05.2025 and the same was handed over to the petitioner to dispose it. The informant proceeded towards the house of the petitioner and apprehended him who confessed that the said looted tractor was given to me to dispose it of. On the disclosure of the petitioner, the informant proceeded to the house of co-accused Nitish Kumar @ Nikhil where the aforesaid looted tractor without trailer was recovered from a field. The trailer of the said tractor was recovered from the bamboo orchard situated behind the house of co-accused Santosh Kumar Singh.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that only on the basis of confessional statement of co-accused Ashutosh Kumar and Pintu Kumar, who were apprehended at the spot, the petitioner has been arrested and made accused in this case. Nothing has been



recovered either from the conscious possession of the petitioner or from his house. The stolen tractor was recovered from near the house of co-accused Nitish Kumar @ Nikhil and the trailer of the said tractor was recovered from Bamboo orchard situated behind the house of Santosh Kumar. Lastly, it has been submitted that the petitioner is in custody since 30.05.2025 having one criminal case against him. Charge-sheet has been submitted in the case.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JMFC, Saran in connection with Amnour P.S. Case No. 165 of 2025 subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his



wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioner within two weeks of his release from custody shall appear before the S.H.O. of his local area alongwith a copy of this order and shall appear every fortnightly to mark his attendance till the framing of charge in this case.

(Khatim Reza, J)

premchand/-

U		T	
---	--	---	--

