

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52065 of 2025

Arising Out of PS. Case No.-122 Year-2022 Thana- SARAIYA District- Muzaffarpur

Rishu Kumar S/o Late Ram Kishor Singh Resident of Village- Chakanathan,,
P.O. Lalu Chapra, P.S. - Paru, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Pandey, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Saraiya P.S. Case No. 122 of 2022, lodged on 23.02.2022, under Sections 399/402 of the Indian Penal Code and under Sections 25(1-b)/A/26/35 of the Arms Act.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioner. The allegation is that the police upon secret information that some of the criminals are planing for commission of crime, police reached then the accused persons started fleeing, in which four



accused persons have been arrested who disclosed the name of the petitioner that he was also present. From the FIR, it transpires that Desi Katta has been recovered from three of the accused persons and the commercial quantity of smack has been recovered from the possession of the co-accused persons on whose disclosure the name of the petitioner has come. The present case has been lodged under N.D.P.S. Act, Arms Act and under Section 399 and 402 of the Indian Penal Code. Counsel submits that antecedent of the petitioner is not clean. There is one criminal case pending against the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that antecedent of the petitioner is not clean. Counsel submits that nothing has been recovered from the possession of the petitioner. He submits that he was not present at the spot. He submits that he was working at other place. Counsel submits that under conspiracy his name has been inserted in this case it is due to the reason that his father is no more and he possesses some land with a view to create pressure his name has been inserted in this case. Counsel submits that petitioner is a student and young aged person and entire career shall be spoiled.

5. Learned APP for the State, on the other hand,



opposes the prayer for bail of the petitioner and submits that specific allegation against the petitioner by his own friends and all have supported that petitioner was present.

6. Considering the nature of allegation and criminal antecedent of the petitioner, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for anticipatory bail of the petitioner is hereby rejected. However, in the event of surrender of the petitioner within six weeks from today, the prayer for regular bail shall be considered on its own merit on the same day without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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