

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55659 of 2025

Arising Out of PS. Case No.-375 Year-2025 Thana- GAYA MUFASIL District- Gaya

Rakesh Kumar S/O Vinod Kumar @ Vinod Yadav R/O Village- Bhithra, P.S.-
Atri District- Gayaji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Advocate Mr. Ashutosh Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-09-2025 Heard Mr. Syed Asgher Najmi, along with Mr. Ashutosh Kumar Mishra, learned counsels appearing on behalf of the petitioner and Mr. Dr. Ajeet Kumar, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 375 of 2025 registered under Sections 125 of the BNS and Section 25(9) of the Arms Act.

3. As per the allegation made in the FIR, the petitioner along with other co-accused armed with unlicensed gun was dancing in a birthday party waving the gun.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has falsely been implicated in the present case. Nothing



incriminating has been recovered from the conscious possession of the petitioner. A general and omnibus allegation has been leveled against the petitioner. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that nothing incriminating has been recovered from the conscious possession of the petitioner, a general and omnibus allegation has been leveled against the petitioner and the petitioner is having clean antecedent, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on anticipatory bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Gayaji in connection with Muffasil P.S. Case No. 375 of 2025, subject to the condition as laid down under Section 482 of the BNS.



8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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