

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58660 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- ADAPUR District- East Champaran

Saheb Kumar S/o Shivchandra Rai @ Birchand Prasad Yadav @ Vidhichand Ray R/o Village- Koraiya Paschmi, P.S.- Mahuawa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Ms.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-09-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 399, 402, 414 and 34 of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges Anish and Baleshwar were arrested and from possession of Anish, a counter-made loaded pistol was recovered along with cash of Rs. 10,000/-, while from Baleshwar, a live cartridge along with mobile were recovered and they disclosed the name of the petitioner who fled.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner was not arrested from the spot as such nothing was recovered from the possession of the petitioner and he



came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is further next submitted that Anish, in whose confessional statement the name of the petitioner transpired, has been granted the privilege of regular bail by an order dated 9-7-2024 in Cr. Misc No. 43809 of 2024 passed by a learned Coordinate Bench. It is thus submitted that no useful purpose would be served by sending the petitioner to jail as the person in whose confession the name of the petitioner transpired has been granted the privilege of regular bail.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that loaded counter-made pistol was recovered from Anish and it was based on disclosure of the apprehend-accused, the name of the petitioner transpired. It is next submitted that investigation is continuing and in the event if the petitioner is granted the privilege of anticipatory, he may abscond since he has antecedent of one case, on which learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, 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 bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Adapur P.S. Case No. 110 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. One of the bailors of the petitioner shall be his father, Shivchandra Rai @ Birchand Prasad Yadav @ Vidhichand Ray.

8. However, it is made clear that in the event, 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 cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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