

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58366 of 2025

Arising Out of PS. Case No.-286 Year-2025 Thana- RAHUI District- Nalanda

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1. Navlesh Kumar, male, S/o Sanjeevan Prasad, R/o Bhattu Bigha, P.S.- Tharthari, District- Nalanda. At present Navlesh Kumar, S/o Sanjeevan Prasad R/o Village- Toofanganj, P.S.- Rahui, District- Nalanda.
 2. Suraj Kumar, male, S/o Ravindra Kumar, R/o Village- Toofanganj, P.S.- Bhaganbigha (Rahui), District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Sinha, Adv.

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 29-08-2025 Heard the learned counsel for the petitioners

and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their

arrest in connection with Rahui P.S. Case No. 286 of

2025 registered for the offences under Sections 25(1-B)

(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, the S.H.O. of

Bhaganbigha (Rahui) Police Station has stated that he

received a secret information that there was some land



dispute between Navlesh Kumar (petitioner No. 1) and one Shakti Yadav. On such information, when he along with other police personnel reached at the place of occurrence, they recovered three country made one barrel guns on the west side adjacent to PCC road and one cartridge was also recovered from the side of the road. The F.I.R. states that from the information received by the villagers, it was assumed that the recovered articles belonged to Navlesh Kumar and his other family members.

4. It has been submitted on behalf of the petitioners that they have been implicated in this case merely on suspicion and the so-called recovery was not made from the conscious possession of these petitioners; rather the same was recovered from the corn field. It has further been submitted that even in the F.I.R., it has been stated that it was presumed that the recovered articles belonged to the petitioners, but there is no material to support this fact. It has lastly been submitted that the



petitioners have clean antecedent.

5. The learned APP for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Biharsharif (Nalanda) in connection with Rahui P.S. Case No. 286 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nyaya Sanhita, 2023 as well as subject to the following conditions :



(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present before the learned Court below on each and every date of the trial.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail-bonds of the petitioners will be liable to be cancelled by the concerned learned Court below.

(iv) If the petitioners, in future, are found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of their bail bonds.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that they have concealed their criminal antecedent, the Court below shall take necessary steps for cancellation of their bail-bonds. However, the acceptance of bail-bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. The application stands allowed.

(Sourendra Pandey, J)

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