

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57739 of 2025**

Arising Out of PS. Case No.-38 Year-2025 Thana- VAINI District- Samastipur

Hemant Kumar @ Hemal Kumar Son of Ajay Sah Resident of Village -  
Jahangirpur, Sadikpur Morau, P.S.- Sakra, District - Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anirudh Kumar Sinha

For the Opposite Party/s : Mr. Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      27-08-2025                      Heard the learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner seeks regular bail in connection with  
Waini @ Vaini P.S. Case No. 38 of 2025 registered for the  
offence under Sections 25(1-b)a, 26 & 35 of the Arms Act.

3. As per the prosecution case, the petitioner and the  
co-accused were caught on a motorcycle and the recovery is of  
one country made pistol and two empty cartridges and one  
motorcycle from the co-accused Vivekanand Kumar.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and has not committed any offence.  
Petitioner is in custody since 28.05.2025. He further submits  
that nothing incriminating has been recovered from the  
petitioner. He lastly submits that the petitioner is accused in one



case i.e., Waini P.S. Case No. 37 of 2025.

5. Learned A.P.P. appearing for the State has vehemently opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances, this application for regular bail is allowed.

7. Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate-1, Samatipur/concerned Court below in connection with Waini P.S. Case No. 38 of 2025 subject to condition that:-

*(i) Before accepting the bail-bonds of the petitioner, the court below will verify the antecedent of the petitioner. If the petitioner is found having more criminal antecedents except Waini P.S. Case No. 37 of 2025, then his bail bonds shall not be accepted. If the petitioner is found having one criminal antecedent i.e., Waini P.S. Case No. 37 of 2025, then his bail bonds shall be accepted by the Court below.*

**(Sandeep Kumar, J)**

Shishir/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

