

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69218 of 2025

Arising Out of PS. Case No.-161 Year-2025 Thana- ARA NAWADA District- Bhojpur

Rohit Kumar S/O Bali Yadav Village- Bahiro, PS- Arrah Nawada, Distt.-
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Nawada P.S. Case No. 161 of 2025 registered for the offences
under Sections 109, 3(5) of B.N.S and under Section 27 of the
Arms Act.

3. As per the prosecution case, the informant has
alleged that the petitioner as well as his younger brother,
namely, Raushan Kumar came together in order to kill the
nephew of the informant. It is further alleged that the brother of
the petitioner, namely, Raushan Kumar fired from his pistol,
causing grievous injuries. It has further been submitted that the
injured was taken to the hospital, while he was undergoing
treatment, the F.I.R. was lodged.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and has been shown to have supplied the arms, however, he has a clean antecedent. It has next been submitted that there is no specific allegation against the petitioner and the specific allegation of firing has been levelled against the co-accused Raushan Kumar. It has also been submitted by the learned counsel for the petitioner that from a plain reading of the F.I.R., it would be evident that apart from the statement that the petitioner is involved in the supply of arms, there is no material to support the said prosecution case. It has lastly been submitted that the parties have compromised and the compromise petition has already been brought on record by way of Annexure-P/3 to substantiate the same.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the aforesaid submission, facts and circumstances of the case, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Court below where the case is pending/successor court in connection with Nawada P.S. Case No. 161 of 2025 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the



petitioner. 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. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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