

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70723 of 2025

Arising Out of PS. Case No.-516 Year-2025 Thana- PIRBAHOR District- Patna

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Gulshan Kumar S/o Ganesh Kumar Mehta R/o Mohalla- Musallahpur Hatt,
Middle School, P.S.- Pirbahore, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-10-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Pirbahore P.S. Case No. 516 of 2025 for the offence registered under sections 25(1-B)a, 26 of the Arms Act and 30(a) of the Excise Act, lodged on 03.07.2025 by the informant, SI Madhurendra Kumar.

3. As per the prosecution story, the informant alleged that upon secret information of selling of liquor the house near Musallahpur Hat, Middle School was raided, one Saurabh Kumar was arrested and on the search of the house, two country made pistol, multiples magazine/16 live cartridges of the seized beside 8.640 litres of foreign liquor.

4. Learned Counsel for the petitioner submits that he

has no criminal antecedent, his brother Saurabh Kumar has been arrested, he has nothing to do with the said Saurabh Kumar, and only because he is related, got implicated.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he also reside in the same house.

6. Taking into account the submission of the parties as also the fact that Saurabh Kumar has been arrested along with the liquor/country made pistol/cartridges, this petitioner has no criminal antecedent, FIR has been lodged and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. However, if it is found that contrary to the statement made in paragraph 3, the petitioner has criminal antecedent, the present order shall become infructuous.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-II, Patna in connection with Pirbahore P.S. Case No. 516 of 2025 subject to condition as laid down under Section 438(2)

of the Cr.P.C.

(i) one of the bailor of the petitioner(s) should be the family members/relatives/distant relatives of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner(s) shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner(s) shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner(s) shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Raj Ranjan/-

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