

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74286 of 2025

Arising Out of PS. Case No.-228 Year-2025 Thana- ATRI District- Gaya

=====

Banti Kumar @ Subodh Kumar @ Kaila Son of Ramji Yadav @ Ramjee
Yadav Resident of Village - Chandaila, Police Station - Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Atri P.S. Case No. 228 of 2025 registered for the offences punishable under Section 25(9) of the Arms Act.

3. As per prosecution case, a photograph allegedly became viral on social media in which a boy is purportedly seen holding a country-made pistol. Upon receipt of this information, the police officials proceeded from the police station to verify the authenticity of the said viral photograph. The photograph/video was shown to the Chaukidar as well as to the spy for purposes of identification. Thereafter, a raid was also conducted at the residence of the petitioner; however, the petitioner was not found present. On this basis, the present FIR



came to be instituted.

4. Learned counsel for the petitioner submits that the petitioner has been implicated solely on the basis of a viral photograph, without any verification as to whether the object shown therein is actually a country-made pistol or something else. There is nothing on record to establish that the said photograph depicts a country-made pistol. It is further submitted that although the police conducted a raid at the petitioner's residence, no incriminating article was recovered, which clearly demonstrates that the present case has been instituted merely on the basis of an unverified viral photograph. Learned counsel further contends that the petitioner has inimical relations with the local Chaukidar, who has falsely implicate him. The petitioner bears criminal antecedent of one case, in which he has already been granted bail. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioner and submits that petitioner is FIR named accused. Hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the



case, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Gaya in connection with Atri P.S. Case No. 228 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.

7. The application stands allowed.

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

(Alok Kumar Pandey, J)

Nilmani/-

U			
---	--	--	--

