

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74896 of 2025

Arising Out of PS. Case No.-486 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Rahul Kumar S/o Ashok Sahani Resident of village- Bajopur, Police Station-
Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rani Shashi Bharti, Advocate
For the State : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-11-2025 Heard Mr. Rani Shashi Bharti, learned counsel for the
petitioner and Mr. Dilip Kumar No. 1, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 486 of 2024, F.I.R. dated 10.11.2024 registered for the offences punishable under Sections 310(4), 310(5) of B.N.S. corresponding to Sections 399, 402, (B) of the Indian Penal Code and Sections 25(1-B)(a), 26, 35 of the Arms Act.

3. The case relates to recovery of arms and ammunition from the possession of accused persons.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has



not committed any offence as alleged in the F.I.R. It appears from the F.I.R. that on the basis of disclosure made by apprehended co-accused persons namely, Mithilesh Kumar @ Lulo, Vishal Kumar Sahni, Kallu @ Ashish Kumar, Chhotu Kumar @ Ankit, Mukesh Kumar @ Lulu and Golu Kumar, the name of the petitioner has been transpired in the present case. It appears from the F.I.R. itself that arms and ammunition have been recovered from the possession of apprehended co-accused persons and except the disclosure made by apprehended co-accused persons, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedents and the name of the petitioner has been transpired on the basis of disclosure made by apprehended co-accused persons, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.II, Samastipur in connection with Muffasil P.S. Case No. 486 of



2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the 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.

(Rajesh Kumar Verma, J)

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