

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1096 of 2026

Arising Out of PS. Case No.-644 Year-2025 Thana- BUXAR District- Buxar

Abhay Kumar S/O Late Shiv Lal Prasad Resident of village- Pandey Patti,
Police Station- Buxar (M), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Mishra

For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-03-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 25(1-b)a,
26 and 35 of Arms Act and Section 37(2) Bihar Excise Act,
2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and the informant
alleges that he received secret information that some unknown
accused under influence of alcohol armed with weapons are
coming to Buxar from Bharauli crossing (UP) in a white Maruti
Ertiga car. It is next alleged that the car was stopped when two
persons fled, but three accused were apprehended and the
apprehended accused disclosed their name as Ravi, Birendra



and Md. Anish and they disclosed the name of the persons who fled as Abhay Kumar Gond, son of Khublal Gond and Guddu Chauhan, son of Birbal Chauhan. It is further alleged that the apprehended persons were found in an intoxicated condition and a country-made pistol was also recovered from the car.

4. Learned counsel for the petitioner submits that name of the petitioner is Abhay Kumar and not Abhay Kumar Gond. It is next submitted that in the FIR, the apprehended accused disclosed the name of accused who fled as Abhay Kumar Gond, son of Khublal Gond, whereas present petitioner is Abhay Kumar, son of Late Shiv Lal Prasad, as such petitioner is not the accused, whose name is in the FIR, but then police for ulterior reason or for saving Abhay Kumar Gond, is unnecessarily harassing the petitioner necessitating him to approach this Court seeking anticipatory bail.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that no doubt from perusal of the allegation as alleged in the FIR, it manifests that the apprehended accused disclosed the name of Abhay Kumar Gond, son of Khublal Gond as an accused, who fled from the place of occurrence, but then it is submitted that name of the petitioner is also Abhay Kumar though he claims to be



son of Late Shiv Lal Prasad. It is next submitted that if what the petitioner contends is true in that event the police after investigation will definitely submit final form exonerating the petitioner of the allegation, but if during the course of investigation it is found that it was petitioner who had fled from the place of occurrence then materials would be collected to connect him with the offence.

6. After hearing the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Buxar (T) P.S. Case No. 644 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. One of the bailors of the petitioner shall be his brother-in-law, Jitendra Kumar Gond.

8. At this stage, the learned APP submits that though petitioner has described himself as Abhay Kumar son of Late Shiv Lal Prasad, but then his brother-in-law is Jitendra Kumar Gond, that amply demonstrates that the sister of the petitioner is



married to Jitendra Kumar Gond. It is also submitted that if petitioner does not belong to Gond community, then how come his sister is married in the said community, on which the learned counsel for the petitioner submits that the same is an aspect of investigation.

9. It is made clear that if charge-sheet is submitted connecting the petitioner with the offence, in that event, the anticipatory bail order shall come to an end.

(Satyavrat Verma, J)

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