

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2902 of 2026

Arising Out of PS. Case No.-204 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Chhotu Kumar S/O Avadhesh Kumar @ Avadhesh Rai R/V- Amadipur ward
No.- 6, P.S- Patory, District- Samstipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 399, 402/34 of the Indian Penal Code and Section 26, 35, 25(1-B)a of the Arms Act.

3. Allegation in the first information report is that four persons were apprehended by the police with the allegations of preparation of committing some crime and firearms were recovered from their possession.

4. Learned counsel for the petitioner submits that it would be apparent from the first information report itself that four persons were arrested by the police upon an information and so far as the present petitioner is concerned, the name of the petitioner has featured in the first information report upon a



disclosure made by the arrested accused persons. It has been submitted that the name of the petitioner has been taken as he was acquainted with the accused persons, however, he had no role in the aforesaid offence. It has also been submitted that the seizure list of the firearms does not bear the signature of any independent witness thereby violating the mandatory provisions of search and seizure. It has also been submitted that the petitioner is a young boy of 19 years of age.

5. Learned APP for the State has opposed the application for anticipatory bail on the ground that the petitioner has also two criminal antecedents.

6. Taking into consideration the facts and circumstances and also considering the fact that the name of the petitioner has transpired in the disclosure made by the arrested persons and no recovery has been made from his conscious possession coupled with the fact that he is a young boy whose future would be jeopardized by incarceration, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged 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 the learned court below where the case is pending/successor court



in connection with Patory P.S. Case No. 204 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further conditions:

- (i) One of the bailors will be the father of the petitioner.
- (ii) The petitioner would cooperate in the investigation and in case of non-cooperation, the learned court below would be at liberty to cancel his bail bonds.

(Soni Shrivastava, J)

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