

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1972 of 2026

Arising Out of PS. Case No.-204 Year-2025 Thana- Lakho District- Begusarai

Abhishek Kumar @ Langtahawa, Son of Shankar Singh Resident of village -
Bhairwar, Ward No.- 5, P.S.- Lakho, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Pushpendra Kumar Singh, Advocate Ms. Divya Bharti, Advocate
For the Opposite Party/s :		Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 24-02-2026 Heard learned senior counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest
in connection with Lakho P.S. Case No. 204 of 2025 instituted
for the offences punishable under Sections 25(1-b)a, 26 and 35
of the Arms Act.

3. The prosecution case is to the effect that the
informant has alleged that on 06.10.2025 at around 11.30 P.M.
he along with other police personnel were on night patrolling
and they saw few persons were coming on a motorcycle, who on
seeing the police fled away. The motorcycle was searched and it
was found that from the seat of the motorcycle one country
made pistol along with one live cartridge was recovered.



4. Learned senior counsel for the petitioner submits that in the street light the petitioner was identified by the local Chowkidar and thereafter the seizures were made. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated merely because he carries four criminal antecedents. It is submitted that the petitioner has been made an accused in a case of Arms Act however admittedly no recovery has been made from his conscious possession and rather the same was recovered from the motorcycle which belongs to one Abhishek Kumar, son of Vijay Singh which would be evident from the registration certificate which has been brought on record by way of Annexure P-2. It has further been submitted that the petitioner coincidentally is also having the same name as that of the owner of the motorcycle and it was on such confusion the petitioner has been made an accused. It has next been submitted that there is no witness to the said occurrence and the identification of the petitioner, with the help of street light is, in fact, improbable. It has lastly been submitted that the petitioner has four criminal antecedents.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail and has referred to the counter affidavit filed on behalf of the Dy. S.P.,



Begusarai in which it has been stated that the plea being taken by the petitioner with regard to false implication as the motorcycle belongs to one Abhishek Kumar, son of Vijay Singh cannot be accepted for the fact that they are two separate persons and it is a chance that the petitioner's name and the name of the owner of the motorcycle is also Abhishek and it has though not been controverted admittedly that the pistol and the live cartridge was recovered from the motorcycle which belongs to the other Abhishek Kumar, son of Vijay Singh.

6. Considering the facts and circumstances of the case and taking into account that the recovery has been made from the seat of the motorcycle which does not belongs to the petitioner, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai in connection with Lakho P.S. Case No. 204 of 2025, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner and the other shall be a local resident:



(ii) the petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) 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 bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

(vi) in view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police concerned within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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