

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8857 of 2026

Arising Out of PS. Case No.-336 Year-2025 Thana- RAJAON District- Banka

Amresh Kumar Das Sharma @ Amresh Kumar S/o- Ram Das Sharma
Resident of village - Khiddi, P.S. Rajoun, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Shahbaz Yusuf, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-02-2026 Heard Mr. Md. Shahbaz Yusuf, learned counsel for
the petitioner and the learned APP for the State.

2. This application for grant of anticipatory bail arises out of Rajoun Police Station Case No. 336 of 2025 dated 02.09.2025, disclosing the offence under Sections 126(2), 115(2), 303(2), 352, 351(2) of the BNS and under Sections 25(1-B) (a), 26, of the Arms Act lodged by the informant, Nikunj Kumar.

3. As per the prosecution case, the informant has alleged that the petitioner had due of Rs. 3045/- for taking milk from the informant and when the informant asked for his due, the petitioner made a fire by means of a country made pistol. Thereafter, father of the informant intervened, snatched the pistol from the petitioner and threw the same into a nearby pond, during course of which, scuffle took place and the



petitioner allegedly, snatched the gold chain of the informant and fled away. Accordingly, the present FIR.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged in the FIR and he has falsely been implicated in this case due to enmity. He further submits that the allegations against this petitioner for which the instant FIR is lodged, are bailable in nature and save and except the case registered under the Arms Act, for which the nature of allegation levelled cannot be attributed to this petitioner, as the petitioner is a studious person and preparing for appearing in the Railway examination for the post of Assistant Loco Pilot which is scheduled to be held in March, 2026. He further submits that there is a case and counter case between the parties for the same incident bearing Complaint Case No. C-1483 of 2025 filed by the petitioner's father against the informant of the present case. The petitioner has got clean antecedent and he is ready to abide by all the conditions as imposed by the Court.

5. On the other hand, learned APP opposes the prayer for anticipatory bail of the petitioner.

6. Consideration the fact that nothing incriminating has been recovered from the constructive



possession of the petitioner, the fire arm is said to have been recovered from the pond nearby the informant's poultry farm and there is case and counter case between the parties and the petitioner has got no criminal antecedent as stated in paragraph-3 of the petition, this Court is inclined to grant the petitioner the privilege of anticipatory bail.

7. This application for anticipatory bail is, accordingly, allowed.

8. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with aforesaid Police Station Case subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023, as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without



plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/her bail bonds.

(Ajit Kumar, J)

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