

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11512 of 2026

Arising Out of PS. Case No.-121 Year-2025 Thana- SIMRI District- Buxar

Pawan Rai @ Pawan Kumar Rai Son of Late Vikram Rai Resident of Village -
Ekauna, Police Station - Simri, Dist. - Buxar. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Simri P.S. Case No. 121 of 2025 for the offence punishable under sections 25(1-B)(a), 26 of the Arms Act, lodged on 17.06.2025 by the informant.

3. As per the prosecution case, a loaded country made pistol wrapped in old cloth was recovered from E-rickshaw bearing registration no. BR44ER-2486. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR, his name has transpired in this case on the basis of confessional statement made by one Abhimanyu Rai who is said to be on inimical terms with the petitioner. The E-rickshaw bearing registration no. BR44ER-2486, from where the recovery has been made, belongs to one co-accused, namely, Sunil Paswan who is in judicial custody. It has next been submitted that nothing incriminating is said to



have been recovered from the constructive possession of the petitioner. It has fairly been stated that the petitioner has got two criminal antecedents but he is on bail on both of the cases. It has next been submitted that the petitioner undertakes that any further involvement in any kind of case will be enough to get his anticipatory bail cancelled, in case privilege of anticipatory bail is extended in his favour.

5. Learned APP opposes the prayer for anticipatory bail and submits that since the petitioner has got criminal antecedent, he does not deserve the privilege of anticipatory bail.

6. Considering the submissions of the parties and the fact that he is not named in the FIR and his name has cropped up in the confessional statement of one, Abhimanyu Rai, nothing incriminating has been recovered from his constructive possessions and considering the undertakings of the petitioner that any further involvement in any kind of case will be enough to get his anticipatory bail cancelled, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of



Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ***Additional Chief Judicial Magistrate, 1st, Buxar*** in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS 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/their 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 bonds;

(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/their bail bonds.

(Ajit Kumar, J)

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