

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9559 of 2026

Arising Out of PS. Case No.-693 Year-2025 Thana- KADAMKUAN District- Patna

Shahnawaz Alam @ Aryan S/o- Mukhtar Alam Resident of- Raza Manzil
Bhanwar Pokhar, Jamun Gali, P.S- Pirbahore District-Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shadab Akhter, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kadamkuan P.S. Case No. 693 of 2025 registered for the offences punishable under Sections 25(1-B) (a), 26 and 35 of the Arms Act, 1959.

3. As per prosecution case, on 03.10.2025 during law and order duty at Rajendra Nagar Gumti for immersion procession, three persons riding on a scooty were seen, out of whom one was allegedly waving a pistol in the air. On seeing the police party, they tried to flee away and during the course of escaping, all three fell down near Makhaniya Kuan turning. Two persons managed to escape, whereas one person namely Md.



Ahsan @ Guddu was apprehended on the spot and from his possession one country-made pistol, six live cartridges and one blue coloured mobile phone containing two SIMs bearing Airtel SIM No. 8804409308 and Jio SIM No. 7004532901 were recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. and he has falsely been implicated in this case. He further submits that petitioner is not named in the F.I.R. Learned counsel further submits that no firearm, ammunition or any incriminating article has been recovered from the conscious possession of the petitioner. It is submitted that the name of the petitioner has transpired only on the basis of the confessional statement of the co-accused Md. Ahsan, which has no evidentiary value in the eyes of law and except such disclosure there is nothing on record to connect the present petitioner with the alleged occurrence. Learned counsel orally submits that the petitioner has no connection whatsoever with the materials recovered from the possession of the co-accused including the blue coloured mobile phone containing Airtel SIM No. 8804409308 and Jio SIM No. 7004532901 and the petitioner has also no connection with the co-accused in any manner. It is



submitted that the petitioner has been falsely implicated merely on suspicion and except the disclosure of the co-accused there is no independent material available on record against him. Learned counsel orally submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence. In the light of the aforesaid facts and circumstances of the case, no offence as alleged in the FIR is made out against the petitioner. Apart from that petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that during the course of investigation his name has surfaced and hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate
1st Class XIV, Patna in connection with Kadamkuan P.S. Case
No. 693 of 2025, subject to the conditions as laid down under
Section 482(2) of B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the investigating
Officer of the case files an application before the learned trial
court bringing to its notice that petitioner despite giving
assurance to this Court are not co-operating in the investigation,
in that event, the learned trial court shall be at liberty to cancel
the bail bonds of the petitioner.

9. It is clarified that any observation made by this
court while considering the bail application of the petitioner
shall have no bearing over the merits of the case.

(Alok Kumar Pandey, J)

Nilmani/-

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