

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9297 of 2026

Arising Out of PS. Case No.-348 Year-2025 Thana- RAMGARHWA District- East
Champaran

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Lawkush Kumar @ Lawkush Yadav S/o Ramjee Yadav Resident of village -
Binwalia, P.S- Ramgarhwa, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 26-02-2026 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Ramgarhwa P.S. Case No. 348 of 2025, disclosing
offences punishable under Sections 25(1-b)(a), 26, 35 and 29 of
the Arms Act.
3. That the prosecution case, as per in the First
Information Report, is that on 07.09.2025 the informant
received secret information that co-accused Hridaya Yadav of
Village Binwalia had concealed illegal firearms in his house,
which could allegedly be used during the forthcoming Assembly
elections or in some major incident. Acting upon the said
information, the police party proceeded to Village Binwalia and



surrounded the house of the said co-accused. On seeing the police personnel, co-accused Hridaya Yadav fled from the place of occurrence, while Lalmunni Devi was apprehended when she attempted to escape. During search of the premises, the police have recovered one country-made pistol with magazine without cartridges, two additional magazines without cartridges, one 12 bore country-made pistol and one 12 bore single barrel gun from inside the house. During interrogation, Lalmunni Devi allegedly identified a photograph circulating on Facebook as that of her son, the present petitioner, namely Lavkush Yadav, and further stated that the 12 bore barrel gun recovered from the "Machan" (scaffolding) had been concealed by him. Thereafter, all the recovered arms were seized and a seizure list was prepared accordingly.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated merely because he happens to be the nephew of co-accused Hridya Yadav. He next submits that nothing has been recovered from the conscious possession of the petitioner and the house in question is a joint family property where other family members also reside. He next submits that the allegation regarding the photograph with a rifle being uploaded on Facebook is false and



manipulated and the said fake photograph was uploaded by someone else. He further submits that the petitioner is having no criminal antecedent.

5. On the other hand, learned counsel for the State vehemently opposes the prayer for anticipatory bail and submits that prima facie there is specific allegation against the petitioner, which would be evident from the viral photograph and FIR itself.

6. I have heard learned counsel for the parties and have gone through the materials available on record, including the impugned order.

7. From perusal of the impugned order, it appears that the learned Sessions Judge, East Champaran at Motihari, after taking note of paragraphs 4, 5, 6, 7 and 42 of the case diary and considering the nature and gravity of the allegations against the petitioner, rejected the prayer for anticipatory bail.

8. Further, from the FIR it transpires that the petitioner was identified in the viral photograph by his mother, who was apprehended during the course of the raid, and it has been stated by his mother that the firearm recovered from the Machan was concealed by the petitioner. Possession of illegal arms is dangerous and illegal. It poses a serious risk to



public safety. There appears to be prima facie case against the petitioner, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

9. This application is, accordingly, dismissed

(Anil Kumar Sinha, J)

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