

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15543 of 2026

Arising Out of PS. Case No.-79 Year-2025 Thana- Bhimnagar District- Supaul

Santosh Kumar S/o Sachinder Yadav R/o vill - Bhavanipur, P.S.- Phulkaha,
Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 12-03-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bhim Nagar P.S. Case No.79 of 2025, F.I.R dated 30.09.2025 registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to prosecution case, on 29.09.2025 at 9 PM, he received secret information that illicit contraband and arms were to be smuggled through the Bhimnagar–Birpur road. A joint search team was formed and a car with two persons, Anil Kumar @ Lalu Raut and Jitendra Bhagat @ Jitu, was intercepted. Upon search, 99 cartridges were recovered from the car. During interrogation, they disclosed that they had obtained the cartridges from Rajiv of Samastipur and were involved in



arms business along with Niku Singh and Santosh Kumar. A seizure list was prepared and the matter was handed over to Bhimnagar Police Station for legal action.

4. Learned counsel for the petitioner submits that the name of the petitioner has transpired in the F.I.R. on the basis of confessional statement of co-accused Anil Kumar @ Lalu Raut and Jitendra Bhagat @ Jitu, from whose possession the alleged of arms and ammunition is said to have been made. It is the case of the petitioner that nothing incriminating is said to have been recovered from his constructive possession and is in no way connected with these two persons and has falsely been implicated for ulterior reasons. It has next been submitted that both the co-accused, namely, Anil Kumar @ Lalu Raut and Jitendra Bhagat @ Jitu have already been granted the privilege of regular bail by a Co-ordinate Bench of this Court. Lastly, it has been submitted that the petitioner has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that the name of the petitioner has transpired on the basis of confessional statement of co-accused persons, who have already been granted the privilege of regular bail by a Co-ordinate



Bench of this Court and the petitioner has clean antecedent. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 the learned A.C.J.M., Birpur, in connection with Bhim Nagar P.S. Case No.79 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit 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/her/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 their bail bonds.

(Ajit Kumar, J)

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